

**PUBLIC HEARING FOR  
FOUR WATER IMPROVEMENT AREAS AND THE  
REGULAR MEETING OF THE TOWN BOARD**

**PALMYRA TOWN HALL  
MARCH 26, 2009**

At 7:30 p.m., Supervisor Lyon welcomed those in attendance and called the Public Hearing to order. The legal notice for the "Creation of Four Water Improvement Areas in the Town of Palmyra, County of Wayne, State of New York" had been previously posted and published in authorized newspapers, in accordance with the law. Due to the length of the legal notice, Councilman Michael Lambrix made the motion to dispense with the reading of the notice at the beginning of this Public Hearing.

**WELCOME TO  
PUBLIC HEARING**

**MTN: DISPENSE  
WITH READING OF  
LEGAL NOTICE FOR  
HEARING**

Councilman David Nussbaumer seconded the motion. Voting was unanimous in the affirmative. For purposes of the written minutes, the corresponding legal notice is included below:

**In The Matter of the Creation of  
Four Water Improvement Areas in the  
Town of Palmyra, County of Wayne, State of New York**

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**Resolution and Order for Public Hearing**

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WHEREAS, the Town Board of the Town of Palmyra has received a petition to obtain water service for four separate areas of the Town which are outside any village and existing water district, but have a desperate need for water, and

WHEREAS, the Town Board of the Town of Palmyra has determined that the best way to serve the four individual districts is by the creation of four separate water improvement areas pursuant to Article 12c of the Town Law, and

WHEREAS, the Town Board of the Town of Palmyra has caused a map, plan and report to be prepared by the Town's consulting engineers, MRB Group, Engineering, Architecture, Surveying, P.C., competent engineers duly licensed by the State of New York, and

WHEREAS, the engineers have in the plan and report proposed four separate improvement areas which are as follows:

1. South Creek Road Water Improvement Area
2. Johnson Road Water Improvement Area
3. Floodman Road Water Improvement Area
4. Parker Road Water Improvement Area

**LEGAL NOTICE:  
RESOLUTION &  
ORDER FOR  
PUBLIC HEARING**

WHEREAS, one of the improvement areas is South Creek Road Water Improvement Area, which is located in the Town of Palmyra, bounded and described as follows:

ALL THOSE TRACTS OR PARCELS OF LAND, situate in the Town of Palmyra, County of Wayne and State of New York outside of the Village of Palmyra and any existing Water District bounded and described as follows:

Beginning at the intersection of the west line of the East Palmyra-Port Gibson 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 number 66112-00-231278; thence
- 3) Southeasterly till it intersects with the west line of tax map parcel number 66112-00-325258; thence
- 4) Southerly along the west line of tax map parcel number 66112-00-325258 to its southwest corner; thence
- 5) Easterly along the south line of tax map parcel number 66112-00-325258 till it intersects with the west line of tax map parcel number 66112-00-438198; thence
- 6) Southerly along the west line of tax map parcel number 66112-00-438198 to its southwest corner; thence
- 7) Easterly along the south line of tax map parcel numbers 66112-00-438198 and 66112-00-500114 till it intersects with the west line of tax map parcel number 66111-00-629940; thence
- 8) Southerly along the west line of tax map parcel numbers 66111-00-629940 and 66111-00-622840 till 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 till it intersects with the west line of said Water District; thence
- 10) Northerly, easterly, northerly, westerly and northerly along the west line of the East Palmyra Port Gibson Road Water District to the point and place of beginning.

WHEREAS, the Town of Palmyra's consulting engineers, MRB Group, Engineering, Architecture, Surveying, P.C., has proposed that the area be serviced by the installation of:

1. 5,000 lineal feet of 8" pvc watermain;
2. 8 hydrants;
3. 5 gate valves; and
4. Original equipment, machinery, furnishing water fixtures related to site work, land rights in land, and professional services all as set forth in said

**LEGAL NOTICE:  
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map, plan and report which is on file in the Town Clerk's Office of the Town for public inspection, and

WHEREAS, (to maximum amount to be expected) in the consolidation of the water distribution system and related costs is One Hundred Eighty-Seven Thousand Three Hundred and 00/100 Dollars (\$187,300.00), and

WHEREAS, the project is subject to the receipt of a grant from USDA in the amount of Seventy-One Thousand and 00/100 Dollars (\$71,000.00), and

It is proposed that an average one or two family home will pay for the amortization of the cost of the improvement and water consumption in the annual sum of Nine Hundred Sixty Four and 00/100 Dollars (\$964.00), and

It is further proposed that each home owner shall have a one-time charge of One Thousand Four Hundred and 00/100 Dollars (\$1,400.00) to cover the service to the property line, curb box, meter installed with associated appurtenances and inspection charge, and

It is further proposed that unimproved land which is within the improvement area and no part of said land is in another district will pay an annual benefit charge of Ten and 00/100 Dollars (\$10.00).

WHEREAS, one of the improvement areas is Johnson Road Water Improvement Area, which is located in the Town of Palmyra, 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 outside of the Village of Palmyra and any existing Water District bounded and described as follows:

**LEGAL NOTICE:  
RESOLUTION &  
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Beginning at the intersection of the centerline of the 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 and 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 and 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 east 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 and southerly along the northerly and easterly lines of the Central Water District Extension 201 to the south line of the Town of Palmyra; thence
  - 9) Easterly along the south town line of the Town of Palmyra to the point and place of beginning.

WHEREAS, the Town of Palmyra's consulting engineers, MRB Group, Engineering, Architecture, Surveying, P.C., has proposed that the area be serviced by the installation of:

1. 8,300 lineal feet of 8" pvc watermain;
2. 14 hydrants;
3. 8 gate valves; and
4. Original equipment, machinery, furnishing water fixtures related to site work, land rights in land, and professional services all as set forth in said map, plan and report which is on file in the Town Clerk's Office of the Town for public inspection, and

WHEREAS, (to maximum amount to be expected) in the consolidation of the water distribution system and related costs is Three Hundred Fifteen Thousand Eight Hundred and 00/100 Dollars (\$315,800.00), and

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WHEREAS, the project is subject to the receipt of a grant from USDA in the amount of One Hundred Thirty-Five Thousand and 00/100 Dollars (\$135,000.00), and

It is proposed that an average one or two family home will pay for the amortization of the cost of the improvement and water consumption in the annual sum of Nine Hundred Sixty-Four and 00/100 Dollars (\$964.00), and

It is further proposed that each home owner shall have a one-time charge of One Thousand Four Hundred and 00/100 Dollars (\$1,400.00) to cover the service to the property line, curb box, meter installed with associated appurtenances and inspection charge, and

It is further proposed that unimproved land which is within the improvement area and no part of said land is in another district will pay an annual benefit charge of Ten and 00/100 Dollars (\$10.00).

WHEREAS, one of the improvement areas is Floodman Road Water Improvement Area, which is located in the Town of Palmyra, bounded and described as follows:

ALL THOSE TRACTS OR PARCELS OF LAND, situate in the Town of Palmyra, County of Wayne and State of New York outside of the Village of Palmyra and any existing Water District bounded and described as follows:

Beginning at the intersection of the centerline of the East Palmyra-Port Gibson Road District with the north line of the property of the County of Wayne, tax map parcel number 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 number 66111-00-608292; thence
- 2) Easterly along the north line of tax map parcel number 66111-00-608272 and tax map parcel number 66111-00-451412 to the 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 the Central Water District to its east line and continuing easterly along the north line of tax map parcel number 66111-00-784346 to the north east corner of said parcel; thence
- 4) Southerly along the east line of tax map parcel number 66111-00-784346 the north line of tax map parcel number 66111-00-864148; thence
- 5) Westerly along the north line of tax map parcel number 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 number 66111-00-380292; thence
- 7) Westerly along the north line of the County of Wayne property to the center of the East Palmyra-Port Gibson Road; thence
- 8) Southerly along the centerline of the East Palmyra-Port Gibson Road to the point and place of beginning.

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WHEREAS, the Town of Palmyra consulting engineers, MRB Group, Engineering, Architecture, Surveying, P.C., has proposed that the area be serviced by the installation of:

1. 13,100 lineal feet of 8" pvc watermain;
2. 12 hydrants;
3. 15 gate valves; and
4. Original equipment, machinery, furnishing water fixtures related to site work, land rights in land, and professional services all as set forth in said map, plan and report which is on file in the Town Clerk's Office of the Town for public inspection, and

WHEREAS, (to maximum amount to be expected) in the consolidation of the water distribution system and related costs is Four Hundred Ninety-Seven Thousand Five Hundred and 00/100 Dollars (\$497,500.00), and

WHEREAS, the project is subject to the receipt of a grant from USDA in the amount of Two Hundred Seventy-Two Thousand Five Hundred and 00/100 Dollars (\$272,500.00), and

It is proposed that an average one or two family home will pay for the amortization of the cost of the improvement and water consumption in the annual sum of Nine Hundred Sixty-Four and 00/100 Dollars (\$964.00), and

It is further proposed that each home owner shall have a one-time charge of One Thousand Four Hundred and 00/100 Dollars (\$1,400.00) to cover the service to the property line, curb box, meter installed with associated appurtenances and inspection charge, and

It is further proposed that unimproved land which is within the improvement area and no part of said land is in another district will pay an annual benefit charge of Ten and 00/100 Dollars (\$10.00).

WHEREAS, one of the improvement areas is Parker Road Water Improvement Area, which is located in the Town of Palmyra, bounded and described as follows:

ALL THOSE TRACTS OR PARCELS OF LAND, situate in the Town of Palmyra, County of Wayne and State of New York outside of the Village of Palmyra and any existing Water District bounded and described as follows:

Beginning at the intersection of the centerline 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 number 65112-00-181847; thence
- 2) Northerly along the east line of tax map parcel numbers 65112-00-181847, 65112-00-099960, 64113-00-977131; thence
- 3) Westerly along the north line of tax map parcel number 64113-00-977131 to the northwest corner of the tax map parcel; thence
- 4) Southerly along the west line of tax map parcel numbers 64113-00-977131, 64112-00-874995 and 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.

WHEREAS, the Town of Palmyra's consulting engineers, MRB Group, Engineering, Architecture, Surveying, P.C., has proposed that the area be serviced by the installation of:

1. 3,400 lineal feet of 8" pvc watermain;
2. 6 hydrants;
3. 3 gate valves; and
4. Original equipment, machinery, furnishing water fixtures related to site work, land rights in land, and professional services all as set forth in

**LEGAL NOTICE:  
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said map, plan and report which is on file in the Town Clerk's Office of the Town for public inspection, and

WHEREAS, (to maximum amount to be expected) in the consolidation of the water distribution system and related costs is One Hundred Seventy-Eight Thousand and 00/100 Dollars (\$178,000.00), and

WHEREAS, the project is subject to the receipt of a grant from USDA in the amount of Twelve Thousand Five Hundred and 00/100 Dollars (\$12,500.00), and

It is proposed that an average one or two family home will pay for the amortization of the cost of the improvement and water consumption in the annual sum of Nine Hundred Sixty-Four and 00/100 Dollars (\$964.00), and

It is further proposed that each home owner shall have a one-time charge of One Thousand Four Hundred and 00/100 Dollars (\$1,400.00) to cover the service to the property line, curb box, meter installed with associated appurtenances and inspection charge, and

It is further proposed that unimproved land which is within the improvement area and no part of said land is in another district will pay an annual benefit charge of Ten and 00/100 Dollars (\$10.00).

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ORDERED, that at a meeting of the Town Board of the Town of Palmyra to be held at the Town Hall, 1180 Canandaigua Road, Palmyra, New York on the 26th day of March, 2009 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 improvement District and for such other actions on the vote of 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 in *The Times of Wayne County* and to post a notice of this hearing on the Town Clerk's bulletin board and at such other place and in the time and manner as required by law.

Dated: February 26, 2009

**PUBLIC HEARING  
OPEN FOR  
DISCUSSION**

The Hearing was opened for discussion. South Creek Road resident Bob Colletta asked how the South Creek Road residents "can get off the project." He claims there was never a majority of South Creek Road residents in favor of the water project. MRB Engineer Dave Doyle, who was in attendance to answer technical questions, said it might be possible to remove South Creek Road from the project, but the Board would have to decide. A suggestion was made to re-survey South Creek Road residents, specifically to convince the Board of the right decision. After everyone who wished to speak had the opportunity to do so, Supervisor Lyon thanked them for coming

**TOWN BOARD  
DISCUSSION**

and said the Board would take their comments under advisement. The Hearing ended at 7:36 p.m.

After a few minutes of recess, and before the Town Board meeting began, Board members discussed what they should do about the South Creek Road division of residents, and if they should include South Creek Road in the Water Improvement Areas. The Town Clerk reminded them that the resolutions for all four Water Improvement Areas are subject to a permissive referendum. The Board has the option to approve all four or any of the parts they wish. Consensus of the Board showed they would be willing to approve all four areas, and see if any petitions for public referendum would be turned in.

**CALL TO ORDER****PLEDGE TO FLAG**

At 7:55 p.m., Supervisor Lyon called the Town Board meeting to order, scheduled for Thursday, March 26, 2009, at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, New York.

**ROLL CALL**

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

Upon roll call, the following board members were present:

**MEETING  
ATTENDANCE**

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

**MTN: APPROVE  
MINUTES OF  
2/26/2009 TOWN  
BOARD MEETING**

Also attending the meeting: Code Enforcement Officer Bob Grier, Priscilla Petrone, Molly Pease, C. VanDerMallie, Cheryl Smyers, Robert W. Colletta, and Roy Wilck.

Motion was made by Dave Nussbaumer to approve the minutes of the February 26, 2009 meeting of the Town Board.

Second: Jim Welch

Vote: 3 Ayes. Carried.

Councilman Mike Lambrix abstained.

**OPENINGS ON  
WAYNE COUNTY  
AGING SERVICES  
ADVISORY  
COUNCIL****COMMUNICATIONS**

1. Openings for Advisory Council: A letter addressed to Dave Lyon announced that two vacancies exist on the Aging Services Advisory Council of the Wayne County Department of Aging and Youth. Deputy Director Martin Williams asked for



input from town supervisors. He outlined ways in which Council members assist the department: *"representing the interests of older persons; reviewing and commenting on policies, programs, and actions that affect older persons; and fostering communication between the Department and the aging population, their family members, and their caregivers."*

- 2. Local Government Workshop: The Town received a brochure outlining the Genesee/Finger Lakes Regional Planning Council's Spring 2009 Regional Local Government Workshop, to be held Friday, May 15, 2009.

**LOCAL GOV'T.  
WORKSHOP**

**REPORTS OF STANDING COMMITTEES**

**Buildings and Grounds Committee – Kenneth Miller,  
Chairman**

Ken Miller was not in attendance.

**Highway Committee – James Welch, Chairman**

- 1. March Highway Department Report: Although Highway Superintendent Mike Boesel wasn't in attendance, he provided Town Board members with the March Highway Department Report:

Highway Superintendent Report  
For Town Board Meeting---3/26/2009

**MARCH HIGHWAY  
REPORT**

- Trucks/Equipment maintenance
- Plowing/Sanding –In the past 29 days we have made a total of 2 trips out of the barn. Season to date we have made 92 trips out of the barn. At this time last year we had made 98 trips.

Other miscellaneous items include:

- **SMSI Grant 07-08** –Our Bucket Truck arrived on 2/24/09 and Street Sweeper arrived on 3/3/09. Pictures are attached. Both machines are already in use. The excavator is not expected to be delivered until late April or May. We are paying the invoices for these equipment pieces tonight. Macedon, Walworth and the Village of Palmyra have all paid us

their respective portions. Next week I will be submitting to the NYS DOS for the 90% reimbursement money for these two pieces of equipment.

- **Street Sweeping/Yard Cleanup** – Spring is upon us and has been kind to us. We swept all our roads and intersections during the week of the 10<sup>th</sup> – 13<sup>th</sup>. We took snowfence down during the week of the 17<sup>th</sup>-20<sup>th</sup>. Since the 20<sup>th</sup>, we have been yolk-raking roadsides and this past week we started lawn damage repairs and roadside debris cleaning.
- **Palmyra Municipal Auction** – The Auction is only about 6 weeks away. The date is Saturday May 9, 2009. I had a surplus list at the last meeting which we approved. I may have a few more items added to the list for approval at the April TB meeting.
- **Advocacy Day** – I attended our annual Advocacy Day on March 10<sup>th</sup> and 11<sup>th</sup> in Albany with over 500 other Town, County and Village Superintendents to ask our legislators to maintain our current CHIPs funding levels.
- **Training** –
  - On 2/27/09 we had a training session for the entire group regarding sanding/salting, specifically with regard to our new sander controls that were recently installed in several trucks.
  - In April we have safety training scheduled as a part of the new bucket truck purchase.
  - Last week I also inquired about CPR/AED training for the entire crew and hope to schedule this training in the coming weeks. One option is through WC Emergency Mgmt.
  - I am also talking with Brett Caruthers, our NYMIR rep, regarding a safety training he provides.
  - I recently received my Highway School reminder card and will be asking for your approval at the next meeting, early registration is due by 5/22 (\$90) for the June 1-3 event.
- **Equipment** –
  - **Bobcat Purchase** – Last month I received permission to order our new Bobcat S220. The order was placed and we should receive our new machine in the next few weeks.
  - **Equipment Servicing** – These past few weeks we have continued to service/clean up some of our summer equipment as well as getting some other equipment ready for Auction.

#### MARCH HIGHWAY REPORT

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

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

There was no Planning Committee Report for March.

**Zoning Committee – David Nussbaumer, Chairman**

- 1. CEO Report: March's CEO Report was distributed to Board members. In addition, Bob Grier reported that he and Dan Wooden had attended the annual training last week that they are required to do. **CEO REPORT FOR MARCH**
- 2. Zoning Board Meeting: The Town Zoning Board of Appeals met on March 12, 2009. Minutes of that meeting were available for Town Board members to read. **ZONING BOARD MTG. MINUTES**

**INFORMATIONAL ITEMS**

- 1. Assessor's Report for March: Board members read over the Assessor's Report without comment. **ASSESSOR'S MARCH REPORT**
- 2. Town Clerk's Report for March: Board members read over the Town Clerk's Report without comment. **TOWN CLERK'S MARCH REPORT**

**AGENDA ITEMS**

- 1. Intermunicipal Agreement: The following Intermunicipal Agreement for Administration, Maintenance, and Repair of Village Highway System was presented to Town Board members.

INTERMUNICIPAL AGREEMENT  
FOR ADMINISTRATION, MAINTENANCE, AND REPAIR  
OF VILLAGE HIGHWAY SYSTEM

THIS AGREEMENT made this 26th day of March, 2009, by and between:

**INTERMUNICIPAL  
AGREEMENT FOR  
ADMINISTRATION,  
MAINTENANCE &  
REPAIR OF  
VILLAGE HIGHWAY  
SYSTEM**

The Village Board of the Village of Palmyra, a municipal corporation with principal address of 144 East Main Street, Palmyra, NY 14522, hereinafter referred to as the "Village," and

The Town Board of the Town of Palmyra, a municipal corporation with principal address at 1180 Canandaigua Road, Palmyra, NY 14522, hereinafter referred to as the "Town."

WITNESSETH

WHEREAS, on or about May 27, 1996, the Town and the Village entered into a cooperative agreement pursuant to article 5-G of the General Municipal Law, wherein the Town and Village entered into an intermunicipal effort to provide highway services to the residents of the Village, and

WHEREAS, the term of said agreement was for a period of three years, expiring May 31, 1999, and

WHEREAS, the parties hereto extended the original agreement terminating May 31, 1999, by a new agreement executed July 22, 1999, extending that agreement to May 31, 2004, and

WHEREAS, the parties hereto wish to extend the original agreement as amended on April 4, 2004 by a new agreement for a four year period expiring on May 31, 2013 by this agreement signed of even date herewith, and

WHEREAS, the Town and Village have found economies and efficiencies resulting from such intermunicipal agreement in the best interests of both the Town and Village and mutually advantageous, and desire to enter into the intermunicipal agreement for the same purposes, and

WHEREAS, the Town and Village are authorized to enter into a cooperative agreement pursuant to article 5-G of the General Municipal Law of the State of New York for the Town to provide highway department superintendence and related services to the Village, and

WHEREAS, the Town and Village have reached an agreement as to the terms and conditions of the intermunicipal contract as amended by the April 4, 2004 agreement and by this agreement memorializing their understandings, expectations, and representations as to their agreement, and

WHEREAS, the respective governing boards of the Town and Village have, by a majority vote, approved the actions set forth in this agreement and have approved the execution thereof by its appropriate executive officer;

NOW, THEREFORE, in consideration of the premises and the covenants hereinafter set forth, the Town and Village agree as follows:

1. General Agreement:

- (a) During the term of this agreement the Town Highway Superintendent shall manage and supervise the Village highway department utilizing existing forces, machinery, and equipment, and incurring such expenditures as authorized by the Village Board and consistent with the Village budget adopted pursuant to Village Law, to the extent funds and

**INTERMUNI-  
CIPAL  
AGREEMENT  
FOR ADMINIS-  
TRATION, MAIN-TENANCE  
&  
REPAIR OF  
VILLAGE  
HIGHWAY  
SYSTEM**

manpower are made available. The Town Highway Superintendent's performance of these duties shall not interfere with the Town Highway Superintendent's obligations to the Town.

- (b) The Town Highway Superintendent shall be responsible for (i) managing and scheduling the use and maintenance of all Village vehicles and equipment deployed for Village highway department use and (ii) managing and supervising the Village employees deployed to the Village highway department.
- (c) The Town Highway Superintendent shall be responsible for the costs of maintenance and repair in good operational order of the Village vehicles and equipment deployed for highway department purposes, except that the Village shall be responsible for the cost of replacement of engines and transmissions in such Village vehicles where such engines and transmissions cannot be reasonably repaired.
- (d) The Village shall retain financial and operational responsibility for scheduling deployment and maintenance of equipment used primarily by the Village Parks Department, including lawn mowers and similar types of small equipment.
- (e) The Town and Village shall remain responsible for their own equipment purchases, and any funds realized from the sale of such equipment shall be retained by the municipality owning such equipment. If the Town and Village should jointly purchase a piece of equipment if it is sold, the net proceeds of sale after expenses shall be divided in proportion to the percentage of the purchase price paid by each.
- (f) It is contemplated that there may be times when equipment and/or personnel of one municipality may be used in performance of services to another municipality. To the extent such services are not required under the contract, or otherwise included in the Town's customary services to the Village, the parties agree that a record of hours and expenses involved in performing such services shall be kept and the municipality that performed such services shall be reimbursed for the actual labor costs and expenses incurred by the municipality in performing such services. A quarterly accounting shall be rendered by each municipality to the other on a schedule to be agreed upon, with any payment to be made in the form of in-kind services to be agreed upon by the parties. At the end of the contract period all accounts, unless renewed, shall be balanced and any outstanding obligations paid in cash.

**INTERMUNI-CIPAL  
AGREEMENT FOR  
ADMINIS-TRATION,  
MAIN-TENANCE &  
REPAIR OF  
VILLAGE HIGHWAY  
SYSTEM**

2. Duration:

This agreement shall be for a term of four years, said term to commence June 1, 2009 and to end on May 31, 2013.

3. Operational Planning and Budget:

The Town Highway Superintendent shall develop, in cooperation with Village officials, long term plans for street/sidewalk improvements, maintenance, and repairs of infrastructure, as well as preparing a budget submission for highway purposes in time for adoption in each Village budget year covering the terms of this agreement.

4. Joint Board:

The activities set forth in this agreement shall be monitored on a day-to-day basis by a joint board made up of the Village Trustee in charge of highway and his/her elected counterpart from the Town, which shall meet with the Town Highway Department Superintendent at least monthly. However, no change may be made to the terms of this agreement, except by majority vote of the governing body of each participating municipality followed by the execution of a written addendum to this agreement.

5. (a) The Village hereby agrees to pay the Town for services provided for under section 1(a) and (b) of this agreement the sum of \$23,000 for each year this contract is in effect, and pay to the Town for services provided for under section 1(c) of this agreement the sum of \$15,000 for each year this contract is in effect, for the total annual payment of \$38,000 payable in equal monthly installments of \$3,166.67. In the event that the costs of the repairs provided for under section 1(c) are less than \$15,000, then the unused portion of the \$15,000 shall be contributed to the capital reserve account for improvement of the Town highway facility. If the cost of the repairs provided under 1(c) exceeds \$15,000, the Town will absorb the additional costs. The costs as used in this paragraph are costs of repairs to Village highway vehicles except engines and transmissions which can not be repaired reasonably.

(b) Each year this contract is in effect, the Village shall pay to the Town the sum of \$4,000 for the incremental costs resulting from the contemplated combining of Town and Village highway facilities. The Village will make this payment prior to July 1 of each year this contract is in effect and the Town will deposit said sum into a capital reserve account created or to be created for the improvement of the Town highway facility used for common purposes pursuant to this agreement. The Town agrees to contribute a like sum of \$4,000 each year to the facility account. In the event that the Town shall become obligated on a bond for a

**INTERMUNI-CIPAL  
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VILLAGE HIGHWAY  
SYSTEM**

new highway facility, then the Town's obligation to contribute \$4,000 shall cease. The Town shall pay for the annual costs of the Bond.

6. Indemnification and Insurance:

(a) The Village agrees to indemnify, defend and hold harmless the Town and its Highway Superintendent from any and all actions, claims, losses, and expenses (including reasonable attorneys' fees and expenses) for the acts, omissions, or decisions of the Town, its agents, employees, invitees, and those under its control with respect to all matters covered under this agreement. The Town shall add the Village as an additional insured on its liability policy, which shall remain in full force and effect during the term of this agreement.

**INTERMUNI-CIPAL  
AGREEMENT FOR  
ADMINIS-TRATION,  
MAIN-TENANCE &  
REPAIR OF  
VILLAGE HIGHWAY  
SYSTEM**

(b) The Town agrees to indemnify, defend and hold harmless the Village from any and all actions, claims, losses, and expenses (including reasonable attorneys' fees and expenses) for the acts, omissions, or decisions of the Village, its agents, employees, invitees and those under its control with respect to all matters covered under this agreement. The Village shall add the Town and its Highway Superintendent as additional insureds on its liability policy, which shall remain in full force and effect during the term of this agreement.

3. The parties hereto incorporate and reaffirm all of the terms and conditions of the previous Intermunicipal Contract which have been amended or modified hereto.

**MTN: APPROVE  
INTERMUNI-CIPAL  
AGREEMENT FOR  
ADMINIS-TRATION,  
MAIN-TENANCE &  
REPAIR OF  
VILLAGE HIGHWAY  
SYSTEM**

IN WITNESS WHEREOF, the parties have caused this agreement to be executed by their respective duly authorized officers on the day and year first above written.

Village of Palmyra  
Victoria Daly, Mayor

Town of Palmyra  
David C. Lyon, Supervisor

Dave Nussbaumer made the motion to approve the Intermunicipal Agreement for Administration, Maintenance, and Repair of Village Highway System.

Second: Jim Welch

Vote: 4 ayes. Carried.

- 2. Resolution and Order: Creation of Johnson Road Water Improvement Area: The formerly-named Johnson-Floodman Water District could not be approved as it was submitted to the State Comptroller's office. The Town was notified that the proposed water district must be in contiguous areas. On advice of counsel, the Town has redefined the proposal as the Four Water Improvement Areas. The following resolution was brought before Town Board members for their approval:

**Resolution and Order  
In The Matter of the Creation of  
The Johnson Road Water Improvement Area  
In the Town of Palmyra, County of Wayne, State of New York**

-----

**Resolution and Order of the Town of Palmyra, County of Wayne,  
State of  
New York, adopted March 26, 2009 approving the establishment of  
The Johnson Road Water Improvement Area subject to a  
Permissive Referendum**

-----

WHEREAS, pursuant to Article 12c of the Town Law of the State of New York, after a petition, the Town Board of the Town of Palmyra by a resolution duly adopted and elected to proceed with a Town improvement area to be known as the Johnson Road Water Improvement Area, and

WHEREAS, a map, plan and report had been prepared by MRB Group, Engineering, Architecture, Surveying, P.C., the Town's consulting engineers duly licensed by the State of New York and said plan having been duly filed in the Office of the Town Clerk was presented to the Town Board on February 26, 2009, and

WHEREAS, an Order was duly adopted by the Town Board on February 26, 2009 reciting the filing of the map, plan and report, the improvements proposed, the boundaries of the proposed improvement area and the estimated expenses to construct a water distribution system in the area and specifying March 26, 2009 at 7:30 p.m. as the time and the Town Hall at 1180 Canandaigua Road, Palmyra, New York in said Town as the place where the Town Board would meet to consider the creation of the Johnson Road Water Improvement Area and to hear all persons interested in the subject thereof concerning the same, and

WHEREAS, the Order was duly published and posted as required by law, and

**MTN:  
RESOLUTION &  
ORDER APPROVING  
ESTABLISH-MENT  
OF JOHNSON ROAD  
WATER  
IMPROVEMENT  
AREA**



WHEREAS, a hearing in the matter was duly held by the Town Board on March 26, 2009 commencing at 7:30 p.m. at the Town Hall in said Town and discussion on said matter having been had and all persons desiring to be heard having been heard, those in favor and those opposed to the creation of the Johnson Road Water Improvement Area,

NOW, upon the evidence given upon said hearing and on the motion of David Nussbaumer, Councilman, seconded by Michael Lambrix, Councilman, it was unanimously passed, and it is

RESOLVED AND DETERMINED that:

- a) It is in the interest of the public to create the Johnson Road Water Improvement Area;
- b) All of the property and property owners within the proposed improvement area are benefited by the creation of the water improvement area;
- d) All the property and property owners benefited by the creation of the water improvement area are included in the proposed improvement area;
- e) That the cost of construction in the improvement area will be apportioned among the units located in the improvement area;
- f) That the proposed improvements to be constructed in the improvement area including the installation of:
  - 1. 8,300 lineal feet with eight inch (8") PVC water main;
  - 2. fourteen (14) hydrants;
  - 3. eight (8) gate valves; and,
  - 4. original equipment, machinery, finishing of water fixtures related to site work, rights in land, professional service and will not cost more than Three Hundred Fifteen Thousand Eight Hundred Dollars (\$315,800);
- g) That the units will have a one-time connection charge of One Thousand Four Hundred Dollars (\$1,400) for the cost of connection from the main to the property line, meter, appliances and inspection; and,
- h) That the useful life of the proposed improvements is thirty-eight (38) years.

**RESOLUTION &  
ORDER APPROVING  
ESTABLISH-MENT  
OF JOHNSON ROAD  
WATER  
IMPROVEMENT  
AREA**

IT IS FURTHER ORDERED AND DETERMINED that the Johnson Road Water Improvement Area as advertised in the Order for a Public Hearing be approved, that the improvements therein mentioned be constructed and the services therein mentioned be provided for and that such area be known and described as the Johnson Road Water Improvement Area 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 outside of the Village of Palmyra and any existing Water District bounded and described as follows:

Beginning at the intersection of the centerline of the 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 and 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 and 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 east 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 and southerly along the northerly and easterly lines of the Central Water District Extension 201 to the south line of the Town of Palmyra; thence
- 9) Easterly along the south town line of the Town of Palmyra to the point and place of beginning.

**RESOLUTION &  
ORDER APPROVING  
ESTABLISH-MENT  
OF JOHNSON ROAD  
WATER  
IMPROVEMENT  
AREA**

And it is FURTHER RESOLVED that the maximum amount to be expended for all improvements in the improvement area is Three Hundred Fifteen Thousand Eight Hundred Dollars (\$315,800).

And it is FURTHER RESOLVED that the proposed improvements including costs of rights of way, construction costs, proposed fees and all of the expenses shall be financed as follows:

By receipt of a grant in the amount of One Hundred Thirty Five Thousand Dollars (\$135,000) from the USDA and by a loan from the United States Department of Agriculture in the amount of One Hundred Eighty Thousand Dollars (\$180,000) with interest at 4.375% per annum payable in 38 years secured by issuance to the United States Department of Agriculture serial bonds of the Town to finance said costs from assessment of benefit units on the properties within the improvement area which the Town Board has determined, and specified to be benefited thereby so much upon and from such shall be in just proportion as is the amount of the benefit conferred upon the same to pay the

purchase of and interest on said bonds as the same shall become due and payable,  
and

IT IS RESOLVED AND DETERMINED that the cost of construction in the improvement area is less than the threshold established by law which would require approval of the Office of the State Comptroller, and

IT IS FURTHER ORDERED that this Order and Resolution is subject to a permissive referendum as set forth in Section 91 of the Town Law of the State of New York, and

IT IS FURTHER ORDERED that if no petition for a permissive referendum is filed as required by law, this Order and Resolution shall become final, and

IT IS FURTHER ORDERED that the Town Clerk shall cause a copy of this Order and Resolution to be posted and published as required by law, and

IT IS FURTHER ORDERED that the Town Clerk shall file a copy of this Order with the Office of the State Comptroller within ten (10) days that this Order and Resolution has become final and copy of the Order shall be filed with the County Clerk as required by law.

**RESOLUTION &  
ORDER APPROVING  
ESTABLISH-MENT  
OF JOHNSON ROAD  
WATER  
IMPROVEMENT  
AREA**

Dated: March 26, 2009

	<u>VOTE</u>
David Lyon, Supervisor	Aye
Councilman David Nussbaumer	Aye
Councilman Michael Lambrix	Aye
Councilman James T. Welch	Aye
Councilman Kenneth Miller	Absent

- 3. Resolution and Order: Creation of Floodman Road Water Improvement Area: The formerly-named Johnson-Floodman Water District could not be approved as it was submitted to the State Comptroller's office. The Town was notified that the proposed water district must be in contiguous areas. On advice of counsel, the Town has redefined the proposal as the Four Water Improvement Areas. The following resolution was brought before Town Board members for their approval:

**Resolution and Order  
In The Matter of the Creation of  
The Floodman Road Water Improvement Area  
In the Town of Palmyra, County of Wayne, State of New York**

**RESOLUTION &  
ORDER APPROVING  
ESTABLISH-MENT  
OF FLOODMAN  
ROAD WATER  
IMPROVEMENT  
AREA**

---

**Resolution and Order of the Town of Palmyra, County of Wayne, State of  
New York, adopted March 26, 2009 approving the establishment of**

**The Floodman Road Water Improvement Area subject to a Permissive Referendum**

---

WHEREAS, pursuant to Article 12c of the Town Law of the State of New York, after a petition, the Town Board of the Town of Palmyra by a resolution duly adopted and elected to proceed with a Town improvement area to be known as the Floodman Road Water Improvement Area, and

WHEREAS, a map, plan and report had been prepared by MRB Group, Engineering, Architecture, Surveying, P.C., the Town's consulting engineers duly licensed by the State of New York and said plan having been duly filed in the Office of the Town Clerk was presented to the Town Board on February 26, 2009, and

WHEREAS, an Order was duly adopted by the Town Board on February 26, 2009 reciting the filing of the map, plan and report, the improvements proposed, the boundaries of the proposed improvement area and the estimated expenses to construct a water distribution system in the area and specifying March 26, 2009 at 7:30 p.m. as the time and the Town Hall at 1180 Canandaigua Road, Palmyra, New York in said Town as the place where the Town Board would meet to consider the creation of the Floodman Road Water Improvement Area and to hear all persons interested in the subject thereof concerning the same, and

WHEREAS, the Order was duly published & posted as required by law, and

WHEREAS, a hearing in the matter was duly held by the Town Board on March 26, 2009 commencing at 7:30 p.m. at the Town Hall in said Town and discussion on said matter having been had and all persons desiring to be heard having been heard, those in favor and those opposed to the creation of the Floodman Road Water Improvement Area,

NOW, upon the evidence given upon said hearing and on the motion of Michael Lambrix, Councilman, seconded by David Nussbaumer, Councilman, it was unanimously passed, and it is

RESOLVED AND DETERMINED that:

- a) It is in the interest of the public to create the Floodman Road Water Improvement Area;
- b) All of the property and property owners within the proposed improvement area are benefited by the creation of the water improvement area;
- c) All the property and property owners benefited by the creation of the water improvement area are included in the proposed improvement area;
- d) That the cost of construction in the improvement area will be apportioned among the units located in the improvement area:
- e) That the proposed improvements to be constructed in the improvement area including the installation of:
  - 1. 13,100 lineal feet with eight inch (8") PVC water main;
  - 2. twelve (12) hydrants;

**MTN:  
RESOLUTION &  
ORDER APPROVING  
ESTABLISH-MENT  
OF FLOODMAN  
ROAD WATER  
IMPROVEMENT  
AREA**

- 3. fifteen (15) gate valves; and,
- 4. original equipment, machinery, finishing of water fixtures related to site work, rights in land, professional service and will not cost more than Four Hundred Ninety Seven Thousand Five Hundred Dollars (\$497,500);
- f) That the units will have a one-time connection charge of One Thousand Four Hundred Dollars (\$1,400) for the cost of connection from the main to the property line, meter, appliances and inspection; and,
- g) That the useful life of the proposed improvements is thirty-eight (38) years.

IT IS FURTHER ORDERED AND DETERMINED that the Floodman Road Water Improvement Area as advertised in the Order for a Public Hearing be approved, that the improvements therein mentioned be constructed and the services therein mentioned be provided for and that such area be known and described as the Floodman Road Water Improvement Area shall be bounded and described as follows:

ALL THOSE TRACTS OR PARCELS OF LAND, situate in the Town of Palmyra, County of Wayne and State of New York outside of the Village of Palmyra and any existing Water District bounded and described as follows:

**RESOLUTION &  
ORDER APPROVING  
ESTABLISH-MENT  
OF FLOODMAN  
ROAD WATER  
IMPROVEMENT  
AREA**

Beginning at the intersection of the centerline of the East Palmyra-Port Gibson Road District with the north line of the property of the County of Wayne, tax map parcel number 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 number 66111-00-608292; thence
- 2) Easterly along the north line of tax map parcel number 66111-00-608272 and tax map parcel number 66111-00-451412 to the 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 the Central Water District to its east line and continuing easterly along the north line of tax map parcel number 66111-00-784346 to the north east corner of said parcel; thence
- 4) Southerly along the east line of tax map parcel number 66111-00-784346 the north line of tax map parcel number 66111-00-864148; thence
- 5) Westerly along the north line of tax map parcel number 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 number 66111-00-380292; thence
- 7) Westerly along the north line of the County of Wayne property to the center of the East Palmyra-Port Gibson Road; thence
  - 8) Southerly along the centerline of the East Palmyra-Port Gibson Road to the point and place of beginning.

And it is FURTHER RESOLVED that the maximum amount to be expended for all improvements in the improvement area is Four Hundred Ninety Seven Thousand Five Hundred Dollars (\$497,500).

And it is FURTHER RESOLVED that the proposed improvements including costs of rights of way, construction costs, proposed fees and all of the expenses shall be financed as follows:

By receipt of a grant in the amount of Two Hundred Two Thousand Five Hundred Dollars (\$272,500) from the USDA and by a loan from the United States Department of Agriculture in the amount of Two Hundred Twenty Five Thousand One Hundred Dollars (\$225,100) with interest at 4.375% per annum payable in 38 years secured by issuance to the United States Department of Agriculture serial bonds of the Town to finance said costs from assessment of benefit units on the properties within the improvement area which the Town Board has determined, and specified to be benefited thereby so much upon and from such shall be in just proportion as is the amount of the benefit conferred upon the same to pay the purchase of and interest on said bonds as the same shall become due and payable, and

**RESOLUTION &  
ORDER APPROVING  
ESTABLISH-MENT  
OF FLOODMAN  
ROAD WATER  
IMPROVEMENT  
AREA**

IT IS RESOLVED AND DETERMINED that the cost of construction in the improvement area is less than the threshold established by law which would require approval of the Office of the State Comptroller, and

IT IS FURTHER ORDERED that this Order and Resolution is subject to a permissive referendum as set forth in Section 91 of the Town Law of the State of New York, and

IT IS FURTHER ORDERED that if no petition for a permissive referendum is filed as required by law, this Order and Resolution shall become final, and

IT IS FURTHER ORDERED that the Town Clerk shall cause a copy of this Order and Resolution to be posted and published as required by law, and

IT IS FURTHER ORDERED that the Town Clerk shall file a copy of this Order with the Office of the State Comptroller within ten (10) days that this Order and Resolution has become final and copy of the Order shall be filed with the County Clerk as required by law.

Dated: March 26, 2009

	<u>VOTE</u>
David Lyon, Supervisor	Aye
Councilman David Nussbaumer	Aye
Councilman Michael Lambrix	Aye
Councilman James T. Welch	Aye
Councilman Kenneth Miller	Absent

4. Resolution and Order: Creation of Parker Road Water Improvement Area: The formerly-named Johnson-Floodman Water District could not be approved as it was submitted to the State Comptroller's office. The Town was notified that the proposed water district must be in contiguous areas. On advice of counsel, the Town has redefined the proposal as the Four Water Improvement Areas. The following resolution was brought before Town Board members for their approval:

**Resolution and Order  
In The Matter of the Creation of  
The Parker Road Water Improvement Area  
In the Town of Palmyra, County of Wayne, State of New York**

---

**Resolution and Order of the Town of Palmyra, County of Wayne, State of New York, adopted March 26, 2009 approving the establishment of The Parker Road Water Improvement Area subject to a Permissive Referendum**

---

**RESOLUTION &  
ORDER APPROVING  
ESTABLISH-MENT  
OF PARKER ROAD  
WATER  
IMPROVEMENT  
AREA**

WHEREAS, pursuant to Article 12c of the Town Law of the State of New York, after a petition, the Town Board of the Town of Palmyra by a resolution duly adopted and elected to proceed with a Town improvement area to be known as the Parker Road Water Improvement Area, and

WHEREAS, a map, plan and report had been prepared by MRB Group, Engineering, Architecture, Surveying, P.C., the Town's consulting engineers duly licensed by the State of New York and said plan having been duly filed in the Office of the Town Clerk was presented to the Town Board on February 26, 2009, and

WHEREAS, an Order was duly adopted by the Town Board on February 26, 2009 reciting the filing of the map, plan and report, the improvements proposed, the boundaries of the proposed improvement area and the estimated expenses to construct a water distribution system in the area and specifying March 26, 2009 at 7:30 p.m. as the time and the Town Hall at 1180 Canandaigua Road, Palmyra, New York in said Town as the place where the Town Board would meet to consider the creation of the Parker Road Water Improvement Area and to hear all persons interested in the subject thereof concerning the same, and

WHEREAS, the Order was duly published and posted as required by law, and

WHEREAS, a hearing in the matter was duly held by the Town Board on March 26, 2009 commencing at 7:30 p.m. at the Town Hall in said Town and discussion on said matter having been had and all persons desiring to be heard having been heard, those in favor and those opposed to the creation of the Parker Road Water Improvement Area,

**MTN:  
RESOLUTION &  
ORDER APPROVING  
ESTABLISH-MENT  
OF PARKER ROAD  
WATER  
IMPROVEMENT  
AREA**

NOW, upon the evidence given upon said hearing and on the motion of Jim Welch, Councilman, seconded by David Nussbaumer, Councilman, it was unanimously passed, and it is

RESOLVED AND DETERMINED that:

- a) It is in the interest of the public to create the Parker Road Water Improvement Area;
- b) All of the property and property owners within the proposed improvement area are benefited by the creation of the water improvement area;
- c) All the property and property owners benefited by the creation of the water improvement area are included in the proposed improvement area;
- d) That the cost of construction in the improvement area will be apportioned among the units located in the improvement area;
- e) That the proposed improvements to be constructed in the improvement area including the installation of:
  - 1. 3,400 lineal feet with eight inch (8") PVC water main;
  - 2. six (6) hydrants;
  - 3. three (3) gate valves; and,
  - 4. original equipment, machinery, finishing of water fixtures related to site work, rights in land, professional service and will not cost more than One Hundred Seventy Eight Thousand Dollars (\$178,000);
- f) That the units will have a one-time connection charge of One Thousand Four Hundred Dollars (\$1,400) for the cost of connection from the main to the property line, meter, appliances and inspection; and,
- g) That the useful life of the proposed improvements is thirty-eight (38) years.

IT IS FURTHER ORDERED AND DETERMINED that the Parker Road Water Improvement Area as advertised in the Order for a Public Hearing be approved, that the improvements therein mentioned be constructed and the services therein mentioned be provided for and that such area be known and described as the Parker Road Water Improvement Area shall be bounded and described as follows:



ALL THOSE TRACTS OR PARCELS OF LAND, situate in the Town of Palmyra, County of Wayne and State of New York outside of the Village of Palmyra and any existing Water District bounded and described as follows:

Beginning at the intersection of the centerline 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 number 65112-00-181847; thence
- 2) Northerly along the east line of tax map parcel numbers 65112-00-181847, 65112-00-099960, 64113-00-977131; thence
- 3) Westerly along the north line of tax map parcel number 64113-00-977131 to the northwest corner of the tax map parcel; thence
- 4) Southerly along the west line of tax map parcel numbers 64113-00-977131, 64112-00-874995 and 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.

And it is FURTHER RESOLVED that the maximum amount to be expended for all improvements in the improvement area is One Hundred Seventy Eight Thousand Dollars (\$178,000).

And it is FURTHER RESOLVED that the proposed improvements including costs of rights of way, construction costs, proposed fees and all of the expenses shall be financed as follows:

By receipt of a grant in the amount of Twelve Thousand Five Hundred Dollars (\$12,500) from the USDA and by a loan from the United States Department of Agriculture in the amount of One Hundred Sixty Five Thousand Five Hundred Dollars (\$165,500) with interest at 4.375% per annum payable in 38 years secured by issuance to the United States Department of Agriculture serial bonds of the Town to finance said costs from assessment of benefit units on the properties within the improvement area which the Town Board has determined, and specified to be benefited thereby so much upon and from such shall be in just proportion as is the amount of the benefit conferred upon the same to pay the purchase of and interest on said bonds as the same shall become due and payable, and

IT IS RESOLVED AND DETERMINED that the cost of construction in the improvement area is less than the threshold established by law which would require approval of the Office of the State Comptroller, and

**RESOLUTION &  
ORDER APPROVING  
ESTABLISH-MENT  
OF PARKER ROAD  
WATER  
IMPROVEMENT  
AREA**

IT IS FURTHER ORDERED that this Order and Resolution is subject to a permissive referendum as set forth in Section 91 of the Town Law of the State of New York, and

IT IS FURTHER ORDERED that if no petition for a permissive referendum is filed as required by law, this Order and Resolution shall become final, and

IT IS FURTHER ORDERED that the Town Clerk shall cause a copy of this Order and Resolution to be posted and published as required by law, and

IT IS FURTHER ORDERED that the Town Clerk shall file a copy of this Order with the Office of the State Comptroller within ten (10) days that this Order and Resolution has become final and copy of the Order shall be filed with the County Clerk as required by law.

**RESOLUTION &  
ORDER APPROVING  
ESTABLISH-MENT  
OF PARKER ROAD  
WATER  
IMPROVEMENT  
AREA**

Dated: March 26, 2009

VOTE

David Lyon, Supervisor	Aye
Councilman David Nussbaumer	Aye
Councilman Michael Lambrix	Aye
Councilman James T. Welch	Aye
Councilman Kenneth Miller	Absent

- 5. Resolution and Order: Creation of South Creek Road Water Improvement Area: The formerly-named Johnson-Floodman Water District could not be approved as it was submitted to the State Comptroller's office. The Town was notified that the proposed water district must be in contiguous areas. On advice of counsel, the Town has redefined the proposal as the Four Water Improvement Areas. The following resolution was brought before Town Board members for their approval:

**Resolution and Order  
In The Matter of the Creation of  
The South Creek Road Water Improvement Area  
In the Town of Palmyra, County of Wayne, State of New York**

**RESOLUTION &  
ORDER APPROVING  
ESTABLISH-MENT  
OF SOUTH CREEK  
ROAD WATER  
IMPROVEMENT  
AREA**

---

**Resolution and Order of the Town of Palmyra, County of Wayne, State of New York, adopted March 26, 2009 approving the establishment of The South Creek Road Water Improvement Area subject to a Permissive Referendum**

---

WHEREAS, pursuant to Article 12c of the Town Law of the State of New York, after a petition, the Town Board of the Town of Palmyra by a resolution duly adopted and elected to proceed with a Town improvement area to be known as the South Creek Road Water Improvement Area, and

WHEREAS, a map, plan and report had been prepared by MRB Group, Engineering, Architecture, Surveying, P.C., the Town's consulting engineers duly licensed by the State of New York and said plan having been duly filed in the Office of the Town Clerk was presented to the Town Board on February 26, 2009, and

WHEREAS, an Order was duly adopted by the Town Board on February 26, 2009 reciting the filing of the map, plan and report, the improvements proposed, the boundaries of the proposed improvement area and the estimated expenses to construct a water distribution system in the area and specifying March 26, 2009 at 7:30 p.m. as the time and the Town Hall at 1180 Canandaigua Road, Palmyra, New York in said Town as the place where the Town Board would meet to consider the creation of the South Creek Road Water Improvement Area and to hear all persons interested in the subject thereof concerning the same, and

WHEREAS, the Order was duly published and posted as required by law, and

WHEREAS, a hearing in the matter was duly held by the Town Board on March 26, 2009 commencing at 7:30 p.m. at the Town Hall in said Town and discussion on said matter having been had and all persons desiring to be heard having been heard, those in favor and those opposed to the creation of the South Creek Road Water Improvement Area,

**MTN: RESOLUTION  
& ORDER  
APPROVING  
ESTABLISH-MENT  
OF SOUTH CREEK  
ROAD WATER  
IMPROVEMENT  
AREA**

NOW, upon the evidence given upon said hearing and on the motion of Michael Lambrix, Councilman, seconded by David Nussbaumer, Councilman, it was unanimously passed, and it is

RESOLVED AND DETERMINED that:

- a) It is in the interest of the public to create the South Creek Road Water Improvement Area;
- b) All of the property and property owners within the proposed improvement area are benefited by the creation of the water improvement area;
- c) All the property and property owners benefited by the creation of the water improvement area are included in the proposed improvement area;
- d) That the cost of construction in the improvement area will be apportioned among the units located in the improvement area;
- e) That the proposed improvements to be constructed in the improvement area including the installation of:
  - 1. 5,000 lineal feet with eight inch (8") PVC water main;
  - 2. eight (8) hydrants;
  - 3. five (5) gate valves; and,

4. original equipment, machinery, finishing of water fixtures related to site work, rights in land, professional service and will not cost more than One Hundred Eighty Seven Thousand Three Hundred Dollars (\$187,300)

- f) That the units will have a one-time connection charge of One Thousand Four Hundred Dollars (\$1,400) for the cost of connection from the main to the property line, meter, appliances and inspection; and,
- g) That the useful life of the proposed improvements is thirty-eight (38) years.

IT IS FURTHER ORDERED AND DETERMINED that the South Creek Road Water Improvement Area as advertised in the Order for a Public Hearing be approved, that the improvements therein mentioned be constructed and the services therein mentioned be provided for and that such area be known and described as the South Creek Road Water Improvement Area shall be bounded and described as follows:

ALL THOSE TRACTS OR PARCELS OF LAND, situate in the Town of Palmyra, County of Wayne and State of New York outside of the Village of Palmyra and any existing Water District bounded and described as follows:

**RESOLUTION &  
ORDER APPROVING  
ESTABLISH-MENT  
OF SOUTH CREEK  
ROAD WATER  
IMPROVEMENT  
AREA**

Beginning at the intersection of the west line of the East Palmyra Port Gibson 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 number 66112-00-231278; thence
- 3) Southeasterly till it intersects with the west line of tax map parcel number 66112-00-325258; thence
- 4) Southerly along the west line of tax map parcel number 66112-00-325258 to its southwest corner; thence
- 5) Easterly along the south line of tax map parcel number 66112-00-325258 till it intersects with the west line of tax map parcel number 66112-00-438198; thence
- 6) Southerly along the west line of tax map parcel number 66112-00-438198 to its southwest corner; thence
- 7) Easterly along the south line of tax map parcel numbers 66112-00-438198 and 66112-00-500114 till it intersects with the west line of tax map parcel number 66111-00-629940; thence

- 8) Southerly along the west line of tax map parcel numbers 66111-00-629940 and 66111-00-622840 till 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 till it intersects with the west line of said Water District; thence
- 10) Northerly, easterly, northerly, westerly and northerly along the west line of the East Palmyra Port Gibson Road Water District to the point and place of beginning.

And it is FURTHER RESOLVED that the maximum amount to be expended for all improvements in the improvement area is One Hundred Eighty Seven Thousand Three Hundred Dollars (\$187,300).

And it is FURTHER RESOLVED that the proposed improvements including costs of rights of way, construction costs, proposed fees and all of the expenses shall be financed as follows:

By receipt of a grant in the amount of Seventy One Thousand Dollars (\$71,000) from the USDA and by a loan from the United States Department of Agriculture in the amount of One Hundred Sixteen Thousand Three Hundred Dollars (\$116,300) with interest at 4.375% per annum payable in 38 years secured by issuance to the United States Department of Agriculture serial bonds of the Town to finance said costs from assessment of benefit units on the properties within the improvement area which the Town Board has determined, and specified to be benefited thereby so much upon and from such shall be in just proportion as is the amount of the benefit conferred upon the same to pay the purchase of and interest on said bonds as the same shall become due and payable, and

**RESOLUTION &  
ORDER APPROVING  
ESTABLISH-MENT  
OF SOUTH CREEK  
ROAD WATER  
IMPROVEMENT  
AREA**

IT IS RESOLVED AND DETERMINED that the cost of construction in the improvement area is less than the threshold established by law which would require approval of the Office of the State Comptroller, and

IT IS FURTHER ORDERED that this Order and Resolution is subject to a permissive referendum as set forth in Section 91 of the Town Law of the State of New York, and

IT IS FURTHER ORDERED that if no petition for a permissive referendum is filed as required by law, this Order and Resolution shall become final, and

IT IS FURTHER ORDERED that the Town Clerk shall cause a copy of this Order and Resolution to be posted and published as required by law, and

IT IS FURTHER ORDERED that the Town Clerk shall file a copy of this Order with the Office of the State Comptroller within ten (10) days that this Order and Resolution has become final and copy of the Order shall be filed with the County Clerk as required by law.

Dated: March 26, 2009

David Lyon, Supervisor

VOTE  
Aye

Councilman David Nussbaumer	Aye	
Councilman Michael Lambrix	Aye	
Councilman James T. Welch	Aye	
Councilman Kenneth Miller		Absent

6. Resolution: Withdrawal of Application: Now that the four Water Improvement Areas have been approved, it was necessary to withdraw the application to the State Comptroller's Office of the Johnson-Floodman Water District with the following Resolution and Order:

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

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**Resolution and Order for Withdrawal of the Application  
for the Creation of the Johnson-Floodman Water District**

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**RESOLUTION:  
WITHDRAW  
APPLICATION FOR  
CREATION OF  
JOHNSON-  
FLOODMAN WATER  
DISTRICT**

WHEREAS, the Town of Palmyra submitted to the Office of the State Comptroller for the Comptroller's review and approval of the creation of the Johnson-Floodman Water District, and

WHEREAS, after review, it was decided to provide service to the various areas independently,

NOW, THEREFORE, be it resolved as follows:

- a) Town of Palmyra does hereby withdraw its application to the State Comptroller;
- b) The Town Clerk is directed to send a certified copy of the Resolution to the New York State Comptroller Officer in Albany and ask that the State Comptroller acknowledge receipt of the application; and it is

FURTHER RESOLVED that the Town Officer may execute any additional documents required to terminate the creation of the Johnson-Floodman Water District.

**MTN: APPROVE  
RESOLUTION TO  
WITHDRAW  
APPLICATION FOR  
CREATION OF  
JOHNSON-  
FLOODMAN WATER  
DISTRICT**

Dated: March 26, 2009

Councilman Dave Nussbaumer made the motion to approve the Resolution and Order for Withdrawal of the Application for the Creation of the Johnson-Floodman Water District.

Second: Jim Welch

Vote: 4 ayes. Carried.

- 7. Resolution: Deferred Compensation Plan: A resolution entitled "Deferred Compensation Committee Resolution to Amend and Restate the Model Plan" was brought before the Town Board for approval:

**Deferred Compensation Committee Resolution  
to Amend and Restate the Model Plan**

WHEREAS, the New York State Deferred Compensation Board (the "Board"), pursuant to Section 5 of the New York State Finance Law ("Section 5") and the Regulations of the New York State Deferred Compensation Board (the "Regulations"), has promulgated the Plan Document of the Deferred Compensation Plan for Employees of Town of Palmyra (the "Model Plan") and offers the Model Plan for adoption by local employers;

WHEREAS, Town of Palmyra, pursuant to Section 5 and the Regulations, has adopted and currently administers the Model Plan known as the Deferred Compensation Plan for Employees of Town of Palmyra;

WHEREAS, effective December 7, 2007 the Board amended the Model Plan to adopt provisions

**RESOLUTION:  
"DEFERRED  
COMPENSATION  
COMMITTEE  
RESOLUTION TO  
AMEND AND  
RESTATE THE  
MODEL PLAN**

- Expanding the eligibility for unforeseeable emergency withdrawals
- Permitting law enforcement officers, firefighters, members of a rescue squad or ambulance crew who have retired for service or disability to request a plan distribution of up to \$3,000 annually to pay for health insurance or qualified long-term care premiums for themselves, their spouse or dependents.
- Permitting a beneficiary who is not the spouse or the deceased Participant to transfer their Plan account directly to an IRA.
- Permitting a Participant who is eligible for a distribution to rollover all or a portion of their Plan account to a Roth IRA.

WHEREAS, the Board has offered for adoption the amended and restated Model Plan to each Model Plan sponsored by a local employer in accordance with the regulations; and

WHEREAS, upon due deliberation, Town of Palmyra has concluded that it is prudent and appropriate to amend the Deferred Compensation Plan for Employees of Town of Palmyra by adopting the amended Model Plan.

NOW, THEREFORE, BE IT RESOLVED, that Town of Palmyra hereby amends the Deferred Compensation Plan for Employees of Town of Palmyra by adopting the amended Model Plan effective December 7, 2007, in the form attached hereto as Exhibit A.

**MTN: APPROVE RESOLUTION "DEFERRED COMPENSATION COMMITTEE RESOLUTION TO AMEND AND RESTATE THE MODEL PLAN"**

IN WITNESS WHEREOF, the undersigned have executed this Resolution in Wayne County, New York, this March 26, 2009 and directed that it be filed as appropriate.

David C. Lyon  
Supervisor

Councilman David Nussbaumer made the motion to approve the above resolution.

Second: Jim Welch                      Vote: 4 ayes. Carried.

Supervisor David Lyon signed the Resolution, as well as the accompanying Affidavit. His signature was witnessed and notarized by Town Clerk Lynne Green.

**MTN: SCHEDULE BOARD WORKSHOP MEETING TO REVIEW EMPLOYEE HANDBOOK**

The full "Plan Document for the Deferred Compensation Plan for Employees of Town of Palmyra" is filed in the Town Clerk's office and is available to employees for review.

- 8. Schedule Workshop Meeting: A draft of the new Employee Handbook has been made available to Board members and Department heads. Michael Lambrix made the motion to hold a workshop to review the draft on Thursday, April 9, 2009, at 7:30 p.m. in the Dining Room of the Town Hall.

**MTN: APPROVE ABSTRACTS #167 AND #168**

Second: David Nussbaumer      Vote: 4 ayes. Carried.

- 9. Approve Abstracts #167 and 168: Dave Nussbaumer made the motion to approve the claims and expenditures shown on Abstract #167, which includes Voucher Numbers 10,105

**MTN: ENTER EXECUTIVE SESSION**



through 10,111 for \$26,416.09, and Abstract #168, which includes Voucher Numbers 10,112 through 10,196 for \$516,090.81.

Second: Jim Welch                      Vote: 4 ayes. Carried.

- 10. Motion to Enter Executive Session: At 8:27, David Nussbaumer made the motion to enter into Executive Session to discuss matters regarding possible litigation.

Second: Michael Lambrix              Vote: 4 ayes. Carried.

Code Enforcement Officer Bob Grier and Town Clerk Lynne Green were invited to stay for the Executive Session.

At 8:40 p.m., Supervisor Dave Lyon declared the Board out of Executive Session.

**EXIT EXECUTIVE  
SESSION**

- 10. Motion to Adjourn: At 8:41 p.m., David Nussbaumer made the motion to adjourn the meeting.

Second: Jim Welch                      Vote: 4 Ayes. Carried.

**MTN: ADJOURN  
MEETING**

Respectfully submitted,

Lyndall Ann P. Green  
Palmyra Town Clerk

**NEXT TOWN BOARD MEETING:  
THURSDAY, APRIL 23, 2009, 7:30 P.M.  
EAST PALMYRA FIRE HALL**