

REGULAR MEETING OF THE TOWN BOARD

**PALMYRA TOWN HALL
FEBRUARY 9, 2010**

At 7:00 p.m., Supervisor Kenneth Miller called to order the Town Board meeting, scheduled for Tuesday, February 9, 2010, at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, New York, to discuss a proposed Regional Ambulance Service, and any other matters of business to come before the Board.

CALL TO ORDER

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

PLEDGE TO THE FLAG

Upon roll call, the following board members were present:

- Kenneth F. Miller, Supervisor
- Michael Lambrix, Councilman
- James Welch, Councilman
- Todd Pipitone, Councilman

ROLL CALL

Councilman David Nussbaumer was excused

The following were in attendance at this meeting: Palmyra Village Trustee David Husk and Todd Blanchard of the Town of Macedon Ambulance Service.

MEETING ATTENDANCE

INFORMATIONAL ITEMS

1. Correction to Agreement to Spend Town Highway Funds: At the Organization Meeting of the Town on January 7, 2010, an "Agreement to Spend Town Highway Funds" was approved, as it has been at the beginning of past years. Two numbers had been reversed in the original agreement. Under Item 2-b "*there shall be expended not over the sum of \$175,000 for culvert replacement...*" should have been \$15,000. And in Item 2-c, "*there shall be expended not over the sum of \$15,000, type: Reconstruction...*" the number should read \$175,000. In other words, the numbers had been switched.

CORRECTION TO 2010 AGREEMENT TO SPEND TOWN HIGHWAY FUNDS, APPROVED 1/7/2010

A copy of the corrected Agreement is included with these minutes as Attachment A.

**COMMENDATION
OF ASSESSOR IN
2009 ANNUAL
REASSESSMENT**

2. Commendation of the Assessor's Annual Reassessment: The Office of Real Property Services, Western Regional Office in Batavia, sent Supervisor Miller a 2009 Annual Aid Certification for the Town of Palmyra, noting, "*I commend your assessor for maintaining a system of real property tax administration that meets the highest standards set by the State.*"

The letter then calculates the State aid amount the Town is to receive from the Office of the State Comptroller. The letter is included with these minutes as Attachment B.

**WAYNE COUNTY
COMMUNITY
RESOURCE GUIDE
AND INVITATION TO
WEB SITE LAUNCH
ON APRIL 22**

3. Wayne County Resource Guide: During 2009, a Community Resource Collaborative Forum created a booklet called the *Community Resource Guide*, which lists just about every service provided in Wayne County. Its purpose is to link people and resources in Wayne County. Now, the information from this *Resource Guide* will be available at a new Web site. The request was made if the *Guide* could be linked to the Palmyra Web Site, and vice versa. Town Board members had no objections to the proposal. In addition, Board members were invited to the launch of the *Community Resource Guide* Web site, on Thursday, April 22, 2010 at 4 p.m. at the Newark Hospital Cafeteria. Each Board member received a copy of the *Community Resource Guide* booklet, a page of answers to questions, and an invitation to the event on April 22.

PRESENTATION

**PRESENTATION—
PROPOSED
REGIONAL
AMBULANCE
SERVICE**

Regional Ambulance Service: Palmyra Village Trustee David Husk and Todd Blanchard, of the Macedon Ambulance Service teamed up to present information to Town Board members concerning a proposal for a regional ambulance service among the Village of Macedon, the Town of Macedon, the Village of Palmyra and the Town of Palmyra. Within the last few years, things have changed for volunteer fire departments within the State. Requirements are more rigid and extensive, volunteers are harder to find, and—most importantly—service and time to answer a call have been slowly deteriorating in Palmyra and Village of Macedon. The Town of Macedon has changed to a paid Ambulance staff, available 24/7 with trained Emergency Medical Technicians (EMTs) and Advanced Life Support (ALS) personnel ready to answer a call. However, there are certain priorities in calling ambulance services

when a request has come in from 911. Volunteer ambulance services in Palmyra and Macedon are called first. Only after no one responds can other ambulance services be called. This delay could result in unnecessary serious complications or death. Such a situation is unacceptable to the presenters, and Town Board members agreed. A combined ambulance service is a viable solution to the problem. Grant funds are available for a short time to help with start-up costs in such an inter-municipal collaboration.

**PRESENTATION—
PROPOSED
REGIONAL
AMBULANCE
SERVICE**

The presenters were just looking for a verbal okay tonight from Board members, so they could add the Town of Palmyra to the list of supporters on their grant application. Consensus among Board members showed verbal support for the inter-municipal effort. The presenters thanked Board members and said they'd be back when the next step in the process is available.

Supervisor Miller offered the Palmyra Town Hall's Large Meeting Room to host a Power Point presentation when presenters are ready to open the idea to the public. Miller also encouraged Husk and Blanchard to contact us if there's anything else we can do to provide quality ambulance service to Palmyra residents.

**PRELIMINARY
VERBAL SUPPORT
BY TOWN BOARD**

At 7:50 p.m., the presentation ended, so Ken Miller thanked Dave Husk and Todd Blanchard for coming this evening.

Although Public Comments were offered on the agenda, no one was in attendance to respond.

**NO PUBLIC
COMMENTS**

AGENDA ITEMS

1. Approve Bond Resolution for Parker, Floodman and Johnson Water Improvement Areas: At the Town Board meeting on December 29, 2009, the Town Board was asked to approve three separate Bond Resolutions for the Parker Road Water Improvement Area, the Floodman Road Water Improvement Area and the Johnson Road Water Improvement Area. At the Town Board meeting on January 28, 2010, Town Clerk Lynne Green announced that the three legal notices had been posted and published in accordance with law. Included in the legal notice was the time period when members of the public could challenge the Bond Resolution. There had been no challenge to the Bond Resolutions, so the project could proceed to the next step.

**BOND RESOLUTION
FOR 3 WATER
IMPROVEMENT
AREAS**

After consulting with the Rural Development Division of the U.S. Department of Agriculture, Town Counsel was informed that only one bond was listed for this project and the Town Board would need to approve only one Bond Resolution, which included all three of the Water Improvement Areas.

The Combined Bond Resolution offered this evening is detailed below:

BOND RESOLUTION DATED FEBRUARY 9, 2010
AUTHORIZING GENERAL OBLIGATION BONDS
OF THE TOWN OF PALMYRA TO FINANCE
WATER SYSTEM CAPITAL IMPROVEMENTS
WITHIN THE TOWN, AUTHORIZING THE
ISSUANCE OF BOND ANTICIPATION NOTES IN
CONTEMPLATION THEREOF. THE
EXPENDITURE OF SUMS FOR SUCH PURPOSE,
AND DETERMINING OTHER MATTERS IN
CONNECTION THEREWITH.

**BOND RESOLUTION
FOR 3 WATER
IMPROVEMENT
AREAS**

WHEREAS, the Parker Road Water Improvement Area is a Water Improvement of the Town of Palmyra, New York, duly established by the Town Board pursuant to the Town Law; and

WHEREAS, the Floodman Water Improvement Area is a Water Improvement of the Town of Palmyra, New York, duly established by the Town Board pursuant to the Town Law; and

WHEREAS, the Johnson Water Improvement Area is a Water Improvement of the Town of Palmyra, New York, duly established by the Town Board pursuant to the Town Law; and

WHEREAS, the estimated maximum aggregate cost of the improvements authorized for the Parker Road Water Improvement Area does not exceed the cost threshold that would require approval of the Office of the State Comptroller; and

WHEREAS, the estimated maximum aggregate cost of the improvements authorized for the Floodman Road Water Improvement Area and the Johnson Road Water Improvement Area does each exceed the cost threshold that would require approval of the Office of the State Comptroller, and in each case, such approval of the State Comptroller has been duly obtained; and

WHEREAS, the Town has duly complied with the requirements of the State Environmental Quality Review Act of the State of New York and the applicable regulations thereunder, with respect to the purpose hereinafter described and the financing therefor;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF PALMYRA, NEW YORK, hereinafter referred to as the "Town", by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Town of Palmyra shall undertake (i) the acquisition and construction of water improvements for the Town of Palmyra Floodman Road Water Improvement Area (the "Floodman Road Improvements"), (ii) the acquisition and construction of water improvements for the Town of Palmyra Johnson Road Water Improvement Area (the "Johnson Road Improvements"), and (iii) the acquisition and construction of water improvements for the Town of Palmyra Parker Road Water Improvement Area (the "Parker Road Improvements"); and the acquisition of land or rights in land necessary therefor, if any, and the acquisition of original furnishings, equipment, machinery or apparatus and other incidental improvements that may be required in connection therewith for such construction and improvement area use (hereinafter collectively referred to as "purpose"), and general obligation serial bonds in an aggregate principal amount not to exceed \$517,900 (up to \$219,700 for the Floodman Road Improvements, up to \$182,000 for the Johnson Road Improvements, and up to \$116,200 for the Parker Road Improvements), and bond anticipation notes in anticipation thereof (and renewals thereof) of the Town in such respective amounts are hereby authorized to be issued to finance said purpose.

**BOND RESOLUTION
FOR 3 WATER
IMPROVEMENT
AREAS**

Section 2. The estimated aggregate maximum cost of said purpose, including preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$492,200 for the Floodman Road Improvements, \$315,800 for the Johnson Road Improvements, and \$128,700 for the Parker Road Improvements, for a total estimated aggregate maximum cost of \$936,700, and said amount is hereby appropriated therefor. The plan for financing of said purpose is to provide (i) up to \$517,900 from a USDA Rural Development loan to be evidenced by the issuance of bonds or bond anticipation notes as herein authorized; and (ii) up to \$418,800 from anticipated grant funds (up to \$272,500 for the Floodman Road Improvements, up to \$133,800 for the Johnson Road Improvements, and up to \$12,500 for the Parker Road Improvements).

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 1 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is forty (40) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein

authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Town and all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount.

Section 5. It is hereby determined and declared that the Town reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

**BOND
RESOLUTION
FOR 3 WATER
IMPROVEMENT
AREAS**

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the power to contract and issue indebtedness pursuant to Section 169.00 of the Local Finance Law, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, all contracts for and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, is hereby delegated to the Town Supervisor, the Town's chief fiscal officer. The Town Supervisor and the Town Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Town of Palmyra.

Section 7. The faith and credit of the Town of Palmyra, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. Such bonds and notes shall be payable from a levy on real property in such improvement area benefited or user charges therefore, in the manner

provided by law, but if not paid from such source, all the taxable real property within said Town shall be subject to the levy of an *ad valorem* tax, without limitation as to rate or amount, sufficient to pay the principal of and interest to said bonds and notes. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 8. The resolution, or a summary thereof, shall be published in full by the Town Clerk of the Town of Palmyra together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Town, in the manner prescribed by law. The validity of said bonds or of any bond anticipation notes issued in anticipation of the sale of said bonds may be contested only if such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or the provisions of this law which should be complied with, at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if said obligation are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall take effect immediately upon its adoption and shall supersede and rescind the bond resolutions adopted December 29, 2009, for such purpose.

DATED: February 9, 2010
BY ORDER OF THE PALMYRA TOWN BOARD

Mike Lambrix made the motion to approve the Combined Bond Resolution for Parker, Floodman and Johnson Roads Water Improvement Areas.

Second: Todd Pipitone	Vote:	<u>Roll Call Vote</u>
Supervisor Kenneth F. Miller		Aye
Councilman Michael Lambrix		Aye
Councilman James Welch		Aye
Councilman Todd Pipitone		Aye

**BOND RESOLUTION
FOR 3 WATER
IMPROVEMENT
AREAS**

**MTN: APPROVE
COMBINED BOND
RESOLUTION FOR
PARKER,
FLOODMAN &
JOHNSON ROADS
WATER
IMPROVEMENT
AREAS**

MTN: ENTER EXECUTIVE SESSION FOR PERSONNEL MATTERS

- 2. Motion to Enter Executive Session: At 8:06 p.m., Mike Lambrix made the motion to enter into Executive Session to discuss matters of Personnel.

Second: Jim Welch Vote: 4 Ayes. Carried.

Only Town Board members stayed for the Executive Session.

SUPERVISOR DECLARES EXECUTIVE SESSION CLOSED

- 3. Exit Executive Session: At 9:03, Supervisor Kenneth Miller declared the Town Board out of Executive Session.

MTN: ADJOURN MEETING

- 4. Motion to Adjourn: At 9:05 p.m., Jim Welch made the motion to adjourn the meeting.

Second: Michael Lambrix Vote: 4 Ayes. Carried.

Respectfully submitted,

Lyndall Ann P. Green
Palmyra Town Clerk

ATTACHMENT A: CORRECTION TO 2010 AGREEMENT TO SPEND TOWN HIGHWAY FUNDS, APPROVED 1/7/2010

ATTACHMENT B: COMMENDATION OF THE ASSESSOR'S ANNUAL REASSESSMENT-- LETTER FROM THE OFFICE OF REAL PROPERTY SERVICES

**NEXT TOWN BOARD MEETING:
THURSDAY, FEBRUARY 25, 7:00 P.M.
PALMYRA TOWN HALL**