

**TOWN OF PALMYRA  
ANNUAL ORGANIZATION MEETING  
JANUARY 7, 2010**

The Organization Meeting, scheduled to be held on Thursday, January 7, 2010, at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, Wayne County, New York, 14522, was called to order at 7:30 p.m. by Town Supervisor Kenneth F. Miller.

**CALL TO ORDER**

The following legal notice had been posted and published, announcing the meeting, according to law:

**LEGAL NOTICE**

**TOWN OF PALMYRA ORGANIZATIONAL MEETING  
FOR THE YEAR 2010**

**NOTICE IS HEREBY GIVEN**, that the organizational meeting of the Town Board of the Town of Palmyra will be held on Thursday, January 7, 2010, at 7:30 p.m. in the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, New York.

**LEGAL NOTICE  
ANNOUNCING  
ORGANIZATION  
MEETING**

Dated: December 4, 2009  
Lyndall Ann P. Green  
Palmyra Town Clerk

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

**PLEDGE OF  
ALLEGIANCE**

Upon roll call, the following Town Board members were present:

- Supervisor - Kenneth F. Miller
- Town Board Members - James Welch
- Todd J. Pipitone
- Michael Lambrix
- David Nussbaumer

**ROLL CALL**

Others present at this organizational meeting included:

Billie Rae Walker -- *Courier-Journal* reporter, Mike Boesel -- Highway Superintendent, and Bob Grier – Code Enforcement Officer

**ATTENDANCE**

The following appointments were designated and announced by Town Supervisor Ken Miller:

Deputy Supervisor - James T. Welch  
 Clerk to the Supervisor - Petra Anderson

**APPOINTMENTS  
 MADE BY  
 SUPERVISOR**

Committee Appointments -  
 • Highway Committee Chairman James Welch  
 • Economic Development Committee Chairman Todd Pipitone  
 • Zoning Committee Chairman David Nussbaumer  
 • Facilities, Operations & Planning Chairman Michael Lambrix

**MTN: ACCEPT  
 SUPERVISOR  
 APPOINTMENTS**

Michael Lambrix made the motion to accept the Supervisor Appointments.

Second: Dave Nussbaumer Vote: 5 Ayes. Carried

**APPOINTMENTS AND SALARIES**

**MTN: APPROVE  
 APPOINTMENTS  
 AND SALARIES FOR  
 2010**

Motion to approve the following appointments and salaries for 2010, was moved by Dave Nussbaumer.

Second: Todd Pipitone Vote: 5 Ayes. Carried.

<u>TITLE</u>	<u>NAME</u>	<u>SALARY</u>
Deputy Supervisor:	James T. Welch	NONE
Budget Officer:	Kenneth F. Miller	NONE
Town Historian:	Beth Hoad	\$1,250/yr
Town Constable:	Gary Rose	NONE
Zoning Enforcement Officer & Building Inspector:	Robert Grier	\$50,676/yr
Deputy Zoning Enforcement Officer & Bldg Inspector:	Dan Wooden	\$20,798/yr
Animal Control Officer & Rabies Responder:	Gary Rose	\$9,500/yr
Deputy Animal Control Officer:	Michelle Rose	NONE
Deputy Town Clerk:	Irene E. Unterborn	\$13.19/hr
Deputy Clerk (part-time):	Celeste Finewood	\$11.61/hr

Office Clerk (Per diem clerk):	Joan M. Shaffer	\$10.25/hr.
Records Management Officer:	Lyndall Ann P. Green	NONE
Records Mgmt. Coordinator:	Celeste Finewood	NONE
Clerk to the Supervisor:	Petra Anderson	\$36,900/yr
Registrar (4 yrs-thru 2012):	Lyndall Ann P. Green	Fee Reimbursement
Deputy Registrar:	Irene E. Unterborn	Fee Reimbursement
Deputy Highway Supt:	Michael Paul	\$21.76/hr
Bingo Inspector:	Elmer VerPlank	\$15.00/occasion
Health Officer (4 yrs-2013):	John Wehrle, MD	Per Statute
Court Clerk:	Patricia Peterson	\$14,883/yr
Secretary to Zoning Bd, Planning Board & Code Enforcement Officer:	Denise Sellers	\$12.04/hr
Sole Assessor:	Elaine Herman	\$47,355/yr
Clerk to the Assessor:	Joan E. Gates	\$13.32/hr.
Clerk to Highway Supt:	Karen Yantz	\$13.47/hr
Hourly rate for Town Highway Crew:		
	Deputy Superintendent	\$21.76/hr
	Equipment Operators	\$20.53/hr
	Mower Operator	\$11.28/hr
	Seasonal Help	\$ 10.00/hr

**APPROVE  
APPOINTMENTS  
AND SALARIES FOR  
2010**

Emergency Services Advisory Committee: Typically, a representative from the Palmyra Fire Department has been appointed to serve on this committee.

For 2009 and 2010, the representative named by the Fire Department is Debbie Rothfuss. Mike Lambrix made the motion to approve Debbie Rothfuss as the representative to the Emergency Services Advisory committee for 2010.

Second: Dave Nussbaumer      Vote: 5 Ayes. Carried.

**MTN: APPOINT  
REPRESENTATIVE  
FOR THE  
EMERGENCY  
SERVICES  
ADVISORY  
COMMITTEE FOR  
2010**

Councilman Todd Pipitone made the motion that all appointments and salaries mentioned above be retroactive to January 1, 2010.

Second: Mike Lambrix      Vote: 5 Ayes. Carried.

**MTN: ALL  
APPOINTMENTS &  
SALARIES  
RETROACTIVE TO  
1/1/2010**

**OTHER ACTION ITEMS**

1. Motion made by Mike Lambrix to authorize petty cash funds and custodians for:

**MTN: AUTHORIZE  
PETTY CASH  
FUNDS FOR TOWN  
OFFICES**

Town Clerk (\$200.00)  
Code Enforcement Office, (\$50.00)  
Water/Sewer Collection (\$100.00)  
Tax Collector (School & Town/County - \$100.00 each)

Second: Dave Nussbaumer                      Vote: 5 Ayes. Carried.

**MTN: RATE FOR  
2010 MILEAGE AT  
\$.45 PER MILE**

2. Motion by Dave Nussbaumer to continue the rate for mileage at \$.45 per mile for the calendar year 2010.

Second: Jim Welch                                      Vote: 5 Ayes. Carried.

**MTN: APPT. REP  
TO WAYNE COUNTY  
CABLE TV COUNCIL**

3. Motion by Dave Nussbaumer to appoint Todd Pipitone as Board Representative to the Wayne County Cable TV Council for 2010.

Second: Mike Lambrix                                      Vote: 5 Ayes. Carried.

**MTN: NAME  
OFFICIAL TOWN  
NEWSPAPERS FOR  
2010**

4. Motion by Mike Lambrix to designate *The Times of Wayne County* and the *Courier-Journal* as the Town's official newspapers for the calendar year 2010.

Second: Dave Nussbaumer                      Vote: 4 Ayes. Carried.  
Todd Pipitone abstained due to a conflict of interest.

5. Motion by Dave Nussbaumer to designate the following dates as meeting nights for the Palmyra Town Board for 2010, starting at 7 p.m.:

**MTN: 2010 DATES  
FOR MEETING  
NIGHTS OF TOWN  
BOARD**

- 2nd Tuesday of month - Workshop and/or business meeting as needed
- 4th Thursday of month - Regular business meeting with the following exceptions:
  - Regular business meetings in April & October in East Palmyra
  - January 2010 meetings will be the 7<sup>th</sup> and the 28<sup>th</sup>
  - November 2010 meetings will be the 9<sup>th</sup> and the 23<sup>rd</sup>
  - December 2010 meetings will be the 7<sup>th</sup> and the 21<sup>st</sup>

Second: Mike Lambrix                                      Vote: 5 Ayes. Carried.

- 6. Motion by Dave Nussbaumer to designate the following as Official Town Depositories:

HSBC Bank  
 JP Morgan/Chase Bank  
 M & T Trust Company  
 Key Bank  
 Bank of America  
 Chemical Bank  
 Community Bank, N.A.  
 Charter One Bank  
 Citizens Bank

**MTN: DESIGNATE  
 OFFICIAL TOWN  
 DEPOSITORIES**

Second: Todd Pipitone                      Vote: 5 Ayes. Carried.

- 7. Motion by Mike Lambrix to authorize the following Items to be paid prior to audit: Utilities, Hospitalization, Payrolls, Postage, Disability Insurance, Social Security and Retirement.

**MTN: AUTHORIZE  
 PAYMENT PRIOR  
 TO AUDIT**

Second: Dave Nussbaumer                      Vote: 5 Ayes. Carried.

- 8. Motion by Mike Lambrix to set the price of gravel not to exceed \$4.00 per ton (bank run) and processed gravel not to exceed \$6.00 per ton.

**MTN: SET PRICE  
 OF GRAVEL**

Second: Dave Nussbaumer                      Vote: 5 Ayes. Carried.

- 9. Motion by Dave Nussbaumer to approve the "Agreement to Spend Town Highway Funds" between the Town of Palmyra and the Wayne County Highway Department.

**MTN: APPROVE  
 AGREEMENT TO  
 SPEND TOWN HWY  
 FUNDS**

Second: Mike Lambrix                      Vote: 5 Ayes. Carried.

The Supervisor and Board members signed the agreement. It is included with these minutes as Attachment A.

- 10. Supervisor Ken Miller recommended a few changes from the 2009 Rules of Procedure—which are listed below in italics—to the new Rules of Procedure for 2010:

**CHANGES IN  
 RULES OF  
 PROCEDURE FOR  
 2010**

Item #2—**Regular Meetings:** The 2<sup>nd</sup> Tuesday of each month shall be designated as a workshop and/or business meeting of the Board, as needed. The 4<sup>th</sup> Thursday of each month shall be designated as the regular business meeting of the Board, at Town Hall, with the following exceptions:

January 2010 meetings will be *January 7<sup>th</sup> and 28<sup>th</sup>*.

Regular business meeting in April & October to be held in East Palmyra

November 2010 meetings will be scheduled for *the 9<sup>th</sup> and the 23<sup>rd</sup>*

December 2010 meetings will be the *7<sup>th</sup> and the 21<sup>st</sup>*

Item #6—**Time of Meetings:** All meetings shall commence at 7:00 p.m....

Item #8—**Conduct of Meetings:**

E. **Resolutions and Motions—add 8) –Abstentions**

*If a Board member chooses to abstain from voting, the reason for the abstention should be stated and so noted in the minutes.*

E. **Resolutions and Motions--9)—Executive Session**

On motion of any member, duly seconded and carried by a majority vote, the Board shall go into Executive Session, presided over by the Supervisor, during which time any matters permitted by law may be discussed and debated, but no action may be taken thereon by motion or resolution. The motion for executive session shall state the reason for the Executive Session, *such as pending litigation or personnel issues*. Only members of the Board shall participate in the Executive Session, except such other persons as the Board deems necessary, may be called into the session. *The Supervisor declares the Board out of Executive Session, and the time is duly noted for the record.*

Item #10—**Minutes:**

The minutes of the Town Board shall be maintained in writing and a *draft copy* made available to the Board members not later than two (2) weeks after the meeting. *Upon approval by the Board at a subsequent Board meeting, the draft copy becomes the official, approved copy for publication and the web site.*

**NEW CHANGES TO  
RULES OF  
PROCEDURE FOR  
2010**

**MTN: APPROVE  
CHANGES TO  
RULES OF  
PROCEDURE FOR  
2010**

The complete Rules of Procedure for 2010 with all changes are as follows:

**RESOLUTION FOR 2010**

**BE IT RESOLVED**, that the Town Board of the Town of Palmyra hereby adopts Rules of Procedure pursuant to Section 63 of the Town Law as follows:

**2010 RULES OF PROCEDURE  
TOWN OF PALMYRA**

**1. Organization Meeting**

The organizational meeting of the Board shall be held at, on, or before the third Thursday in January of each year. The exact date and time shall be established on or before the last meeting of the Town Board in the month of December immediately preceding January, the month in which the Organization Meeting shall be held.

**2. Regular Meetings**

The 2<sup>nd</sup> Tuesday of each month shall be designated as a workshop and/or business meeting of the Board, as needed. The 4<sup>th</sup> Thursday of each month shall be designated as the regular business meeting of the Board, at Town Hall, with the following exceptions:

January 2010 meetings will be January 7<sup>th</sup> and 28<sup>th</sup>.

Regular business meetings in April & October to be held in East Palmyra.

November 2010 meetings will be the 9<sup>th</sup> and the 23<sup>rd</sup>.

December 2010 meetings will be the 7<sup>th</sup> and the 21<sup>st</sup>.

**3. Special meetings**

Special meetings may be called as provided in the Town Law of the State of New York.

**RULES OF  
PROCEDURE FOR  
2010**

**4. Place of Meetings**

All meetings shall be held at the Town Hall of the Town of Palmyra, 1180 Canandaigua Road, Palmyra, New York, except the regular business meeting in April and the regular business meeting in October, which shall be held at the East Palmyra Fire Hall, Tellier Road, East Palmyra, unless the Board shall, by resolution, move or adjourn the meeting to another place within the Town of Palmyra.

**5. Quorum**

A quorum shall be 3 of the 5 members. Actions of the Board shall require an affirmative vote of at least 3 members of the entire Town Board for each action passed, except as otherwise prescribed by law. In the event there is not a quorum present, the members gathered may adjourn the meeting to a new time and place, provided due notice must be given to the members absent. All votes by each member of the Town Board shall be clearly identified in the minutes.

**6. Time of Meetings**

All meetings shall commence at 7:00 p.m., unless the starting time shall be amended by the affirmative vote of the Board. The time of commencement of the meeting may be postponed until the conclusion of a public hearing and/or public presentation.

**7. Presiding Officer**

The Supervisor shall preside at Town Board meetings. In the absence of the Supervisor, the Deputy Supervisor, if present; if not, the member of the Board present with the longest service shall be temporary chairman of the meeting.

**8. Conduct of Meetings****A. Order of Business**

1. Public Participation - The meeting shall be open to hear from members of the Public who have applied to the Town Clerk to speak. They must have a specified topic and indicate the length of time. They should be cautioned not to be repetitive.
2. The meeting shall be called to order at the appointed time.
3. The next order of business shall be the Pledge of Allegiance, which shall be led by the Supervisor or designated Town Board member.
4. The roll will then be called.
5. Next is approval of minutes of previous meeting.
6. For organizational meetings, the Supervisor shall make his committee appointments, and other appointments as designated by statute.
7. The Town Clerk shall then read all communications received by the Town, or any Town officer, which is relevant to Town business, or by the Clerk, and furnish copies to the members of the Board upon request. It shall not be necessary to read notices (except legal notices), invitations, advertisements or business solicitations, but they may, at the discretion of the Clerk, be summarized. The Supervisor shall then entertain a motion for proper disposition of the communications.
8. The various committees shall render their reports. Heads of departments will render their reports, as approved by the Committees.
9. Next are Agenda Items by Order of the Board.
10. Next are unfinished business and motions. These items will be considered under the heading of the appropriate committee. If not a committee item, the item shall be considered under the general category.



11. The abstract of claims and expenditures will be reviewed. The abstract of claims and expenditures shall be supported by vouchers authorized by each department head. The major or unusual claims in each category shall be read aloud by the Chairman of the committee having jurisdiction. It shall not be necessary to read aloud expenditures for ongoing expenses like utilities, payroll, or items which were subject to contract or bidding procedures.
12. The abstracts will be approved, and the expenditures and claims therein shall be authorized.
13. Adjournment closes the meeting.

**B. Agenda**

No matter shall be considered by the Board unless it is on the agenda. The Clerk shall prepare the agenda and shall make the agenda available to each member of the Town Board not less than two (2) business days before the meeting, counting the day of the meeting. No matter shall thereafter be added to the agenda without the affirmative vote of a majority of the Town Board, except that each Committee Chairperson may place on the agenda one item without the action of the Town Board.

**RULES OF  
PROCEDURE FOR  
2010**

**C. Adjournments and recesses during the Meeting**

In the event that any member of the Town Board, including the Supervisor, shall desire to interrupt the business of the meeting or leave the table during the meeting, as soon as may be convenient, the member shall make motion for recess or adjournment. A motion for recess shall be a period not to exceed ten (10) minutes and shall take precedence over all other motions. A motion for adjournment is made for a period longer than (10) minutes, or to enter executive session, or some other time or place shall be made if a motion for recess would be inadequate. In the event that no motion is made, any member of the Town Board or the Supervisor shall leave the meeting or the table, with the balance of the members in attendance continuing the meeting or making a motion to adjourn. If there is no Supervisor or Deputy Supervisor or acting presiding officer, said motion shall become effective if properly seconded and on the affirmative vote of the members still at the meeting or at the table.

**D. There shall be no smoking during the meeting.**

**E. Resolutions and Motions.**

1. All resolutions and motions shall be governed by the Town Law of the State of New York.

2. All resolutions shall be in writing and submitted to the Town Clerk in time to be listed on the agenda.
3. Any motion or resolution not on the agenda may be added to the agenda only by a majority vote of the Town Board, EXCEPT each Chairperson of a Committee may add 1 item without Board approval.
4. No motion (except to amend, table, recess or adjourn) or resolution shall be acted on unless it is on the agenda or properly added to the agenda, EXCEPT each Chairperson of a Committee may add 1 item without Board approval.
5. There shall be no discussion of a motion or resolution unless properly made and seconded.
6. When a question is under debate, no motion shall be entertained unless for recess or adjournment of the Board, to call the question, to table the question, or to amend. These motions shall have precedence in the order in which they are stated and shall not be subject to debate.
7. A motion or a motion for adopting a resolution may be placed on the table by a majority vote, and a majority vote will be necessary to take it off the table.
8. If a Board member chooses to abstain from voting, the reason for the abstention should be stated and so noted in the minutes.

**RULES OF  
PROCEDURE FOR  
2010**

**Executive Session**

On motion of any member, duly seconded and carried by a majority vote, the Board shall go into executive session, presided over by the Supervisor, during which time any matters permitted by law may be discussed and debated, but no action may be taken thereon by motion or resolution. The motion for executive session shall state the reason for the executive session, such as pending litigation or personnel issues. Only members of the Board shall participate in the executive session, except such other persons as the Board deems necessary may be called into the session. The Supervisor declares the Board out of executive session, and the time is duly noted for the record.

**9. Committees**

Committees shall be appointed and serve at the pleasure of the Supervisor. The Supervisor in his/her discretion may add one or more advisors to each Town Committee to take advantage of the expertise of the residents of the Town.

**10. Minutes**

The minutes of the Town Board shall be maintained in writing and a draft copy made available to the Board members not later than two (2) weeks after the meeting. Upon approval by the Board at a subsequent meeting, the draft copy becomes the official, approved copy for publication and the web site.

**11. Public Participation**

All meetings of the Town Board, except executive sessions, shall be open to the public but no person attending the meetings shall have the right to address the Board or participate except at public hearings or at the public participation time pursuant to the rules adopted without the permission of the Board. All persons attending a Town Board Meeting or Public Hearing shall sign their name legibly on a list provided and shall, opposite their name, set forth their address.

**RULES OF  
PROCEDURE FOR  
2010**

**12. Correspondence**

The Supervisor and all Town Board members shall immediately file all correspondence relative to any business of the Town with the Town Clerk, who shall place same on the agenda of the next following meeting.

**13. Conduct of Public Hearing:**

Persons appearing at a public hearing shall:

- a) Sign in on the appropriate sheet provided.
- b) record, their name, address, and if the hearing involves a specific location, the location of their property before making their presentation.
- c) The person appearing shall present his/her views in a concise non-repetitive statement. Time shall be limited to three minutes unless the person appearing shall state how many minutes he or she shall require. No one may have over 10 minutes for his/her presentation without stating the reason for the requirement and after receiving Board approval. Questions and answers are not to be counted as

a part of the presentation. The chair shall recognize persons wishing to reaffirm a certain viewpoint but shall curtail the presentation if it appears the person is becoming repetitive.

- d) Before closing the hearing, the presiding officer shall ask if there are any more comments and shall check with the Town Clerk for written communication concerning the subject of the hearing.
- e) All proponents of a subject of Public Hearings must have filed in the Town Clerk's Office a separate and complete set of papers for public review not later than the day the publication first appears.

Dated: January 7, 2010

**MTN: ADOPT  
REVISED RULES OF  
PROCEDURE FOR  
2010**

Dave Nussbaumer made the motion to adopt the revised Rules of Procedure for 2010.

Second: Todd Pipitone                      Vote: 5 Ayes. Carried.

- 11. The following Purchasing Policy and Procedures were given to Board members for 2010:

**TOWN OF PALMYRA, NEW YORK  
POLICY AND PROCEDURES  
FOR PURCHASES LESS THAN BID PROCUREMENTS**

**POLICY AND  
PROCEDURES  
FOR PURCHASES  
IN 2010**

In order to comply with General Municipal Law Section 104b "Procurement Policies and Procedures for Non-Bid Procurements" this resolution is set forth to be known as: Policy and Procedures for Purchases Less than Bid Procurements.

**General Method of Purchasing:**

Any employee or Board member shall present a request to the Town Board of the Town of Palmyra who shall accept or deny the request as a matter of record in the board minutes. An explanation of denial will be written as part of the Town Board minutes. The original request will be kept by the Town Clerk as documentation for action taken for procurements.

**Items Exempt From Purchase Order Request Form:**

Food for workers during emergencies

**Purchases Exempt from Prior Town Board Approval:**

Purchases less than \$200.00 in value, provided the purchase amount to be expended is included in the current year's budget.

**METHOD OF COMPETITION FOR NON-BID PROCUREMENTS**

<b>Purchase Contracts Below \$10,000</b>	<u>Verbal Quotes</u>		<u>Written Quotes</u>	
	<u>1</u>	<u>2</u>	<u>2</u>	<u>3</u>
\$200 -- \$1,000	X			
\$1,000 -- \$2,999		X		
\$3,000 -- \$4,999			X	
\$5,000 -- \$10,000				X

<b>Contracts for Public Works Below \$20,000</b>	<u>Verbal Quotes</u>		<u>Written Quotes</u>	
	<u>1</u>	<u>2</u>	<u>2</u>	<u>3</u>
Under \$3,000	X			
\$3,000 -- \$9,999			X	
\$10,000 -- \$19,999				X

**POLICY AND  
PROCEDURES  
FOR PURCHASES  
IN 2010**

<b>Other Purchases:</b>	Insurance -	Board Approval
	Emergencies -	Board Approval
	Professional Services -	Board Approval
	Sole Source -	Board Approval

**Awards to other than low bidder:**

Where quotations for pricing are obtained and other than low bid is made, documentation will be in the Town Board minutes. The best interest of the taxpayers is to be the ultimate goal.

**Review:**

Comments from Employees and Board members may be solicited and the Policy and Procedures for Purchasing be reviewed at least annually.

**Failure to Comply:**

The failure to fully comply with the provisions of this resolution shall not be grounds to void any action taken, or give rise to a cause of action against the Town of Palmyra or any officer or employee thereof.

Councilman Dave Nussbaumer made the motion to approve the Purchasing Policy and Procedures for 2010.

Second: Todd Pipitone

Vote: 5 Ayes. Carried.

**MTN: APPROVE  
PURCHASING  
POLICY AND  
PROCEDURES  
FOR PURCHASES  
IN 2010**

12. The following Investment Policy for 2010 was presented to the Town Board for their approval:

**INVESTMENT POLICY FOR**  
**TOWN OF PALMYRA**  
**JANUARY 2010**

**I. SCOPE**

This investment policy applies to all moneys and other financial resources available for investment on its own behalf or on behalf of any other entity or individual.

**II. OBJECTIVES**

The primary objectives of the local government's investment activities are, in priority order,

- (legal) to conform with all applicable federal, state and other legal requirements;
- (safety) to adequately safeguard principal;
- (liquidity) to provide sufficient liquidity to meet all operating requirements; and
- (yield) to obtain a reasonable rate of return.

**III. DELEGATION OF AUTHORITY**

The governing board's responsibility for administration of the investment program is delegated to the Town Supervisor, who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a data base or records incorporating description and amounts of investments, transaction dates, and other relevant information and regulate the activities of subordinate employees.

**IV. PRUDENCE**

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the Town of Palmyra to govern effectively.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal, as well as the probable income to be derived.

**INVESTMENT  
POLICY FOR TOWN  
OF PALMYRA—  
JANUARY 2010**

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

**V. DIVERSIFICATION**

It is the policy of the Town of Palmyra to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

**VI. INTERNAL CONTROLS**

It is the policy of the Town of Palmyra for all moneys collected by any officer or employee of the government to transfer those funds to the Town Supervisor within 45 days of deposit, or within the time period specified in law, whichever is shorter.

**VII. DESIGNATION OF DEPOSITORIES**

<u>Depository Name</u>	<u>Maximum Amount</u>
HSBC Bank	Not Applicable
J.P. Morgan/Chase	" "
M & T Trust Company	" "
Key Bank	" "
Bank of America	" "
Chemical Bank	" "
Community Bank, N.A.	" "
Charter One Bank	" "
Citizens Bank	" "

**INVESTMENT  
POLICY FOR TOWN  
OF PALMYRA—  
JANUARY 2010**

**VIII. COLLATERALIZING OF DEPOSITS**

In accordance with the provisions of General Municipal Law, ss10, all deposits of Town of Palmyra, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

1. by a pledge of "eligible securities" with an aggregate "market value" as provided by GML ss10, equal to the aggregate amount of deposits from the categories designated in Appendix A to the policy.
2. by an eligible "irrevocable letter of credit" issued by a qualified bank other than the bank with the deposits in favor of the government, for a term not to exceed 90 days, with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed-upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-

term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.

3. by an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed-upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims-paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

#### **IX. SAFEKEEPING AND COLLATERALIZATION**

Eligible securities used for collateralizing deposits shall be held by the depository and/or a third party bank or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities are being pledged to secure local government deposits, together with agreed-upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released, and the events which will enable the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the local government, such securities shall be delivered in a form suitable for transfer, or with an assignment in blank to the Town of Palmyra or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

#### **X. PERMITTED INVESTMENTS**

As authorized by General Municipal Law, ss11, the Town of Palmyra authorizes the Supervisor to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:



- special time-deposit accounts;
- certificates of deposit;
- obligations of the United States of America;
- obligations guaranteed by agencies of the United States of America, where the payment of principal and interest are guaranteed by the United States of America;
- obligations issued pursuant to LFL ss24.00 (with approval of the State Comptroller) by any municipality, school district or district corporation other than the Town of Palmyra;
- obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general State statutes governing such entities, or whose specific enabling legislation authorizes such investment or investments;
- Certificates of Participation (COPs) issued pursuant to GML ss109-b;
- Obligations of this local government, but only with any moneys in a reserve fund established pursuant to GML ss6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n.

All investment obligations shall be payable or redeemable at the option of the Town of Palmyra within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the Town of Palmyra within two years of the date of purchase.

**INVESTMENT  
POLICY FOR  
TOWN OF  
PALMYRA—  
JANUARY 2010**

#### **XI. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS**

The Town of Palmyra shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments, which can be made with each financial institution or dealer. All financial institutions with which the local government conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the Town of Palmyra. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The Supervisor is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

#### **XII. PURCHASE OF INVESTMENTS**

The Supervisor is authorized to contract for the purchase of investments:

- Directly, including through a repurchase agreement, from an authorized trading partner.
- By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the governing board.

- By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the governing board.

All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Town of Palmyra by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law, ss10.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

**INVESTMENT  
POLICY FOR TOWN  
OF PALMYRA—  
JANUARY 2010**

**XIII. REPURCHASE AGREEMENTS**

Repurchase agreements are authorized subject to the following restrictions:

- All repurchase agreements must be entered into subject to a Master Repurchase Agreement.
- Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.
- Obligations shall be limited to obligations of the United States of America and obligations guaranteed by agencies of the United States of America.
- No substitution of securities will be allowed.
- The custodian shall be a party other than the trading partner.

**APPENDIX A**

**SCHEDULE OF ELIGIBLE SECURITIES**

- \_\_\_\_\_ (i) Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof or a United States governmental sponsored corporation.

- \_\_\_\_\_ (ii) Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank.
- \_\_\_\_\_ (iii) Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the Market Value of the obligation that represents the amount of the insurance or guaranty.
- \_\_\_\_\_ (iv) Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of such State or obligations of any public benefit corporation which under a specific State statute may be accepted as security for deposit of public moneys.
- \_\_\_\_\_ (v) Obligations issued by states (other than the State of New York) of the United States rated in one of the three highest rating categories by at least one nationally-recognized statistical rating organization.
- \_\_\_\_\_ (vi) Obligations of Puerto Rico rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- \_\_\_\_\_ (vii) Obligations of counties, cities and other governmental entities of a state other than the State of New York having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- \_\_\_\_\_ (viii) Obligations of domestic corporations rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization.
- \_\_\_\_\_ (ix) Any mortgage-related securities, as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under the limitations established by bank regulatory agencies.
- \_\_\_\_\_ (x) Commercial paper and bankers' acceptance issued by a bank, other than the Bank, rated in the highest short-term category by at least one nationally recognized statistical rating organization and having maturities of not longer than 40 days from the date they are pledged.
- \_\_\_\_\_ (xi) Zero-coupon obligations of the United States government marketed as "Treasury strips."

**INVESTMENT  
POLICY FOR TOWN  
OF PALMYRA—  
JANUARY 2010**

**MTN: APPROVE  
INVESTMENT  
POLICY FOR TOWN  
OF PALMYRA—  
JANUARY 2010**

Councilman Dave Nussbaumer made the motion to approve the Purchasing Policy and Procedures for 2010.

Second: Mike Lambrich

Vote: 5 Ayes. Carried.

13. Motion to approve the following holidays for Town employees for 2010, retroactive to January 1, 2010, was made by Dave Nussbaumer:

New Year's Day 2010	--	Friday, January 1 <sup>st</sup>
President's Day	--	Monday, February 15 <sup>th</sup>
Memorial Day	--	Monday, May 31 <sup>st</sup>
Independence Day	--	Monday, July 5 <sup>th</sup>
Labor Day	--	Monday, September 6 <sup>th</sup>
Columbus Day	--	Monday, October 11 <sup>th</sup>
Veteran's Day	--	Thursday, November 11 <sup>th</sup>
Thanksgiving Day	--	Thursday, November 25 <sup>th</sup>
Day after Thanksgiving	--	Friday, November 26 <sup>th</sup>
Christmas Day	--	Friday, December 24 <sup>th</sup>

**MTN: APPROVE HOLIDAYS FOR 2010**

Second : Jim Welch

Vote: 4 Ayes. Carried.  
Michael Lambrix voted Nay.

14. Motion was made by Mike Lambrix to authorize the following people to sign checks for the Town of Palmyra:

**MTN: AUTHORIZE SIGNING OF CHECKS**

Kenneth F. Miller – OR – James T. Welch

Second: Dave Nussbaumer

Vote: 5 Ayes. Carried.

**MTN: SET 2/25/2010 MTG TO AUDIT 2009 BOOKS OF CLERK, JUSTICES, SUPERVISOR & CODE ENFORCEMENT OFFICE**

15. Motion was made by Mike Lambrix to set February 25, 2010 as the date for auditing the 2009 books of the Town Justices, the Town Clerk, the Supervisor and the Code Enforcement Office.

Second: Dave Nussbaumer

Vote: 5 Ayes. Carried.

**MTN: APPROVE LEASE WITH KOPYKAT FOR COPIER AT HIGHWAY DEPT. OFFICE**

16. Request for KopyKat Copier Lease: The Palmyra Highway Department would like to enter into a service agreement with KopyKat, a Xerox Copier supplier and servicer out of Walworth, retroactive to December 1, 2009. Board members looked over the agreement, asking Mike Boesel a few questions about the details. Jim Welch made the motion to approve the lease agreement with KopyKat for the Highway Department.

Second: Dave Nussbaumer

Vote: 4 Ayes. Carried.  
Mike Lambrix voted Nay.

The lease is included with these minutes as Attachment A.

- 17. Standard Work Day and Reporting Resolution: New York State Comptroller Thomas P. DiNapoli announced a new method of tracking elected and appointed officials who are members of the Retirement System, and who don't work a set schedule or keep a time sheet. This involves keeping a record of work-related activities. Those who start new terms of office or appointments on or after August 12, 2009, must keep a record of official work activities for three (3) consecutive months. The record must be completed within 150 days of taking office, submitting it to the secretary or clerk of the governing board within 180 days of taking office. *"If your initial record is not representative of your average hours worked, you may record activities for an alternate consecutive three-month period during the same calendar year and submit it to the governing board."*

Councilman Jim Welch made the motion to approve the Standard Work Day and Reporting Resolution as laid out by the State Comptroller.

Second: Todd Pipitone                                      Vote: 4 Ayes. Carried.  
David Nussbaumer voted Nay.

**MTN: APPROVE  
STANDARD WORK  
DAY AND  
REPORTING  
RESOLUTION FOR  
SALARIED  
ELECTED AND  
APPOINTED  
OFFICIALS**

*The Update*, a newsletter with the article "A Message from Comptroller Thomas P. DiNapoli," concerning the new regulation affecting elected and appointed officials, is included with these minutes as Attachment B.

**INFORMATIONAL ITEMS**

- 1. Association of Towns of the State of New York: The AOTSNY provided information about the 2010 Training School and Annual Meeting in New York City on February 14-17, 2010. Each Board member received in his packet the information about the Training Session for Town Officials, including Rules of Order for the 2010 Annual Meeting and the Proposed 2010 Resolutions for consideration by the Town Delegates to the Annual Meeting. The Resolutions Committee looks as prior resolutions and legislative issues affecting towns and town government, then submits a list for AOTSNY delegates' approval. Those approved will be the basis for lobbying and advocacy on behalf of the towns of New York State. Only Town officials attending the conference will be allowed to vote on the resolutions. No Town Board member planned to attend.

**ASSOCIATION OF  
TOWNS' TRAINING  
SCHOOL AND  
ANNUAL MEETING**

**PUBLIC OFFICIALS  
CONFERENCE ON  
RESPONSIBILITIES  
DURING  
EMERGENCY OR  
DISASTER**

- 2. Public Officials' Conference in Wayne County: Notice was received of a Public Officials Conference called "Responsibilities of Town and Village Officials During a Large Emergency or Disaster" on Thursday, January 28, 2010. It is hosted by the Wayne County Emergency Management Office in Lyons. Those wishing to attend should contact Ken Miller.

**MTN: ENTER  
EXECUTIVE  
SESSION**

- 3. Motion to Enter Executive Session to Discuss Matters of Pending Litigation: At 8:07 p.m., the motion was made by Michael Lambrix to enter Executive Session to discuss matters of pending litigation. Only Town Board members were asked to stay for the session.

Second: Dave Nussbaumer

Vote: 5 Ayes. Carried.

**MTN: ADJOURN  
MEETING**

- 4. At 8:47 p.m., Town Supervisor Ken Miller declared the Board out of Executive Session.

At 8:48 p.m., Dave Nussbaumer made the motion to adjourn the Organizational Meeting.

Second: Jim Welch

Vote: 5 Ayes. Carried.

Respectfully submitted,

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Lyndall Ann P. Green  
Palmyra Town Clerk

**ATTACHMENTS:**

- A. 2010 Agreement to Spend Town Highway Funds with Wayne County
- B. *The Update*, a newsletter with the article "A Message from Comptroller Thomas P. DiNapoli," concerning the new regulation affecting elected and appointed officials

**NEXT REGULAR MEETING:  
THURSDAY, JANUARY 28, 2010, 7:00 P.M.  
AT THE PALMYRA TOWN HALL**