

### **REGULAR MEETING OF THE TOWN BOARD**

The regular meeting of the Town Board, Town of Palmyra, scheduled to be held on Thursday, January 30, 2003, at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, NY, was called to order at 7:40 PM by Town Supervisor David C. Lyon.

**CALL TO ORDER**

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

**PLEDGE OF ALLEGIANCE**

Upon roll call, the following board members were present:

**ROLL CALL**

Town Supervisor - David C. Lyon  
Town Board Members - David Nussbaumer  
James Welch  
Michael Lambrix

Also present at this meeting:

**MEMBERS OF THE PUBLIC IN ATTENDANCE**

Judy Lincoln, 944 Garnsey Road  
Joe Burm, 800 Garnsey Road  
Jane Henry, 800 Garnsey Road  
Bill Lincoln, 944 Garnsey Road  
Bob Grier, 3112 Crestwood Drive

Motion by Michael Lambrix to approve the minutes of the December 26, 2002 and January 2, 2003 Town Board meetings.  
Second: James Welch

Vote: Carried

**MOTION: APPROVE MINUTES OF DEC. 26, 2002 AND JAN. 2, 2003 MEETINGS**

Councilmembers Lambrix and Welch voted aye, along with Supervisor Lyon. Councilmember Nussbaumer abstained as he was absent from the December 26, 2002 meeting.

**COMMUNICATIONS**

2. Letter from designated Town Health Officer, Malcolm McBurney Riggs, MD

A letter to the Town Board members was received on December 18, 2002 was received from Dr. Riggs, the Town Health Officer, stating that he would be charging the town an annual retainer fee of \$1000, beginning with February 1, 2003. This would be "in addition to customary charges for medical treatment rendered to town employees."

## REPORTS OF STANDING COMMITTEES

### Highway Committee – Michael Lambrix, Chair

No report.

### Planning Committee – James Welch, Chair

#### CEO Software Proposal

Bob Grier presented the board with information about a special software which is specially designed for Code Enforcement Officers and building inspectors. It can be used with hand-held devices in the field, and can interface with the main PC in the office. The price is set at \$4,000, which includes training and installation. Annual software, service and support is \$950. Grier said the annual fee can be paid through his equipment and software budgets. The cost is also 60% reimbursable from NY State, making the net cost \$1,400.

MTN: PURCHASE  
ARVID EASY  
CHECKLIST  
PROGRAM FOR  
PERMIT & CODE  
ENFORCEMENT

Motion by Michael Lambrix to purchase the Arvid Easy Checklist Program for Permit & Code Management at a cost of \$4,000.

Second by: David Nussbaumer

Carried: Unanimously

### Zoning Committee – David Nussbaumer, Chair

Chairman Nussbaumer noted that the Palmyra Master Plan Map has now received the final approval by the Supervisor and Code

a. Recognizing that the time period has ended for interested residents in opposition to establishing such a water district to submit a petition requesting a permissive referendum, and having received no petitions at the Town Hall, Councilman David Nussbaumer made the motion to declare the Permissive Referendum period over for the Garnsey-Shilling Area Water District in the Town of Palmyra

MTN: DECLARE PERMISSIVE REFERENDUM PERIOD OVER FOR GSAWD

Second: Michael Lambrix

Carried: Unanimously

b. Contract for State I Archaeological Investigations for Garnsey-Shilling Area Water District

CONTRACT FOR ARCHIVAL SERVICES FOR GSAWD

A memorandum to Supervisor Lyon, dated January 21, 2003, from Stu Brown indicates that three proposals were submitted to conduct the required Stage I Archaeological Investigations. CCRG, of Buffalo, NY bid \$7,900; Rochester Museum & Science Center bid \$12,140; and Ladd Archaeological Services bid \$12,750.

Motion was made by David Nussbaumer to accept CCRG's bid of \$7,900 for these required investigations.

MTN: ACCEPT CCRG PROPOSAL

Second: Michael Lambrix

Carried: Unanimously

c. ORDER: Garnsey-Shilling Area Water District: Town Board Final Order Establishing the District

MTN: ACCEPT FINAL ORDER ESTABLISHING GSAWD DISTRICT

Motion was made by David Nussbaumer to accept the following Final Order Establishing the District:

**ORDER**

GARNSEY-SHILLING AREA WATER DISTRICT  
TOWN BOARD FINAL ORDER  
ESTABLISHING THE DISTRICT

hear all persons interested in the creation of the District, and for any other action on the part of the Town Board concerning the proposed district as might be required by law.

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

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

Following the public hearing and based upon the evidence presented at the hearing, the Town Board, on December 26, 2002, adopted a resolution subject to permissive referendum determining in the affirmative all of the questions set forth in Town Law Sec. 209-e (1) and approving the establishment of the District.

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

The permission of the State Comptroller for the establishment of the District was not necessary as the cost per single Family Unit is less than the Five Hundred Ninety Seven Dollars (\$597.00) per typical residence, the amount established by the State Comptroller requiring submission for the approval of the State Comptroller's Office.

**It is hereby ORDERED** as follows:

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

**DESCRIPTION  
SHILLING-GARNSEY ROAD WATER DISTRICT  
PART A**

ALL THAT TRACT OR PARCEL OF LAND, situate east of New York State Route 21 and north of North Creek Road in the Town of Palmyra, County of Wayne and State of New York bounded and described as follows:

COMMENCING at the intersection of the north line of the Central Water District with the centerline of Shilling Road; thence

- 7) easterly along the centerline of Lusk Road and crossing Harris Road to the south line of tax map parcel no. 66112-00-121751; thence
- 8) easterly along the south line of tax map parcel no. 66112-00-121751 to the southeast corner of said parcel and thence northerly along the east line of said tax map parcel to the northeast corner of said tax map parcel no. 66112-00-121751; thence westerly along the north line of said tax map parcel to the centerline of Harris Road; thence
- 9) northerly along the centerline of Harris Road to the northeast corner of tax map parcel no. 66112-00-022801; thence
- 10) westerly along the north line of tax map parcels nos. 66112-00-022801, 65112-00-977813 and through tax map parcel no. 65112-00-896996 to the northeast corner of tax map parcel 65112-00-863819 and continuing along the north line of said parcel to its northwest corner; thence
- 11) northerly along the east line of tax map parcel no. 65112-00-811885 and tax map parcel no. 65113-00-799041 to the northeast corner of the last tax map parcel; thence
- 12) westerly along the north line of tax map parcel no 65113-00-799041 to its intersection with the centerline of Shilling Road; thence
- 13) southerly along the centerline of Shilling Road to its intersection with the north line of tax map parcel no. 65113-00-701034; thence
- 14) westerly along the north line of tax map parcel no. 65113-00-701034 and 65113-00-624041 to a point; thence
- 15) northwesterly at all times and 500? feet northerly of the centerline of Goldsmith Road to the point of intersection with the east line of the Central Water District; thence
- 16) southerly along the east line of the Central District crossing Goldsmith Road and continuing southerly to the southwest corner of tax map parcel no. 65113-00-488053; thence
- 17) easterly along the south line of tax map parcel no. 65113-00-488053 to the west line of tax map parcel no. 65112-00-548940;
- 18) thence southerly along the west line of tax map parcel no. 65112-00-548940 to the southwest corner of said premises; thence
- 19) easterly 651100-00-548940 and continuing through tax map parcel no. 65112-00-630881 to the southwest corner of tax map parcel no. 65112-00-663947 and continuing along said south line of the last parcel until it intersects the west line of tax map parcel no. 65112-00-704878; thence
- 20) southerly along the west line of tax map parcel no. 65112-00-704878 and 65112-00-701757 and through tax map parcel no. 65112-00-601614 and 65112-00-519500 to the northwest corner of 65112-00-711445; thence
- 21) southerly along the west line of tax map parcel no. 65112-00-711445 and continuing through tax map parcels no. 65112-00-625415 and 65112-00-632318 to the north line of tax map parcel no. 65112-00-704241; thence
- 22) westerly along the north line of tax map parcel no. 65112-00-704241 and 65112-00-621174 to the west line of the last tax map parcel; thence
- 23) southerly along the west line of tax map parcel no. 65112-00-621174 until it intersects with the north line of Extension No. 2 of the Central Water District; thence

**DESCRIPTION  
GARNSEY SHILLING AREA WATER DISTRICT  
PART B**

ALL THAT TRACT OR PARCEL OF LAND, situate on the east side of Hammond Road in the Town of Palmyra, County of Wayne and State of New York, bounded and described as follows:

COMMENCING at the point of intersection of the existing line of the Central Water District along the east side of Hammond Road, with the centerline of Garnsey Road; thence

- 1) northerly along the east line of the Central Water District 500? ' to a point; thence
- 2) easterly, southerly and easterly parallel to and 500? ' distant northerly from the centerline of Garnsey Road 7200? ' to a point in the west line of tax map parcel no 66110-00-306932; thence
- 3) northerly along the west line of tax map parcel 66110-00-306932 to the north line of said tax map parcel; thence
- 4) easterly along the north line of said tax map parcel and continuing in a straight line through tax map parcel no. 66111-00-208073 to the west line of the Central Water District; thence
- 5) southerly along the west line of the Central Water District to a point opposite the south line of tax map parcel no. 66110-00-306932; thence
- 6) westerly to the south line of tax map parcel no. 66110-00-306932 and continuing along the south line of said parcel to its intersection with the centerline of Garnsey Road; thence
- 7) westerly along the centerline of Garnsey Road to its intersection with the east line of tax map parcel no. 66110-00-240863; thence
- 8) southerly along the east line of tax map parcel no. 66110-00-240863 to the Town Line of Palmyra; thence
- 9) westerly along the south Town Line of Palmyra until it intersects with the east line of the Central Water District Extension No. 1; thence
- 10) northerly along the east line of the Central Water District Extension No. 1 to the centerline of Garnsey Road, the point and place of beginning.

All as shown on map & Plan of Garnsey-Shilling Area Water District prepared by MRB Group, December 2002.

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

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

That a maximum amount be expended not to exceed \$739,500 that the improvements be financed by the receipt of an RUS Grant of \$360,000, that the balance be financed by serial bonds providing for amortization of the balance of the costs of the improvements for a period of not more than 38 years, and it is further,

ORDERED that the Town Clerk of the Town of Palmyra is hereby authorized and directed to cause a certified copy of this Order to be duly recorded in the Office of the Clerk of the County of Wayne, in which the Town of Palmyra is located, within ten (10) days after the adoption of this Order; and it is further

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

4. This Order shall take effect immediately.

Dated: January 30, 2003.  
Palmyra, NY

\_\_\_\_\_  
Michael Lambrix                      James Welch

\_\_\_\_\_  
David Nussbaumer                      David Lyon

Members of the Town Board of the Town of Palmyra, New York

**Second: Michael Lambrix**

**Carried: Unanimously**

d. "A RESOLUTION AUTHORIZING THE CONSTRUCTION OF A WATER DISTRIBUTION SYSTEM TO SERVE GARNSEY-SHILLING AREA WATER DISTRICT IN THE TOWN OF PALMYRA, WAYNE COUNTY, NEW YORK, AND AUTHORIZING THE ISSUANCE OF \$379,000 SERIAL BONDS OF SAID TOWN TO PAY THE COST THEREOF"

**BOND  
RESOLUTION FOR  
GSAWD**

**Bond Resolution dated January 30, 2003 was read by the Town**

**DISTRICT IN THE TOWN OF PALMYRA, WAYNE COUNTY, NEW YORK,  
AND AUTHORIZING THE ISSUANCE OF \$379,500 SERIAL BONDS OF SAID  
TOWN TO PAY THE COST THEREOF.**

WHEREAS, by proceedings heretofore duly had and taken pursuant to Article 12A of the Town Law, the Town Board of the Town of Palmyra, Wayne County, New York, has duly established the Garnsey-Shilling Area Water District in said Town; and

WHEREAS, it is now desired to authorize the construction of the improvements proposed for said Water District and provide for the financing thereof in accordance with said proceedings;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Palmyra, Wayne County, New York, as follows:

Section 1. The construction of the improvements proposed for the Garnsey-Shilling Area Water District in the Town of Palmyra, Wayne County, New York, consisting of a water distribution system, including water main, storage facilities, distributing pipes and hydrants, with appurtenant facilities, substantially in accordance with the map and plan accompanying the petition for said District, is hereby authorized at a maximum estimated cost of \$739,500 (Exhibit 1)

Section 2. The plan for the financing of such maximum estimated cost is to issue debt obligations up to \$739,500, which sum is to be reduced dollar for dollar for the amount of the U. S. Department of Agriculture grant funds received, presently estimated at to be \$360,000.00 and the issuance of \$379,500 of serial bonds (and bond anticipated notes) of said Town hereby authorized to be issued therefor pursuant to the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is 40 years, pursuant to subdivision 2, paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed 5 years.

Section 4. The faith and credit of said Town of Palmyra, Wayne County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such bonds as the same become due and payable. There shall annually be assessed upon all the taxable real property in said Garnsey-Shilling Area Water District at the same time and in the same manner as other Town charges an amount sufficient to pay said principal and interest as the same become due and payable, but if not paid from such source, all the taxable real property within said Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and



Section 6. The validity of such bonds may be contested only if:

1. Such bonds are authorized for an object for purpose for which said Town is not authorized to expended money, or
2. The provisions of 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 days after the date of such publication, or
3. Such bonds are authorized in violation of the provisions of the Constitution.

Section 7. This resolution, which takes effect immediately, shall be published in full in the Courier Journal, the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Supervisor David Lyon	Voting AYE
Councilperson, Michael Lambrix	Voting AYE
Councilperson, James Welch	Voting AYE
Councilperson, David Nussbaumer	Voting AYE
Councilperson, Vacant	Voting _____

**ROLL CALL  
VOTE**

The resolution was thereupon declared duly adopted.

**Second: Michael Lambrix  
Roll Call Vote Carried: Unanimously**

**e. Contract with Tim McGill, Esq., for Bond Counsel**

Pursuant to Timothy R. McGill's letter to the Town Board, dated November 15, 2002, Councilman Lambrix moved to contract with Mr. McGill to serve as bond counsel for the Garnsey-Shilling Area Water District with the following stipulations:

**MTN:  
CONTRACT  
WITH TIMOTHY  
MCGILL, ESQ.  
AS BOND  
COUNSEL FOR  
GSAWD**

1. Each issuance of temporary debt (notes): base charge of \$500, plus \$.75 per thousand dollars of notes issued, payable upon issuance of such obligations;

Internal Revenue Service, and the like, or in the event debt is not issues: legal fee at regular hourly rates.

The fees for the services described under paragraphs 1 and 2 above include the preparation of all typical authorizing resolutions and documents and procedures. I would not undertake any such extraordinary services without your prior request.

\* For engagements extending beyond one year from the date hereof (November 15, 2002), fees will be adjusted annually by the change in the Consumer Price Index, all Urban Consumers– Northeast Urban Rate.

In addition to the legal fee, I render a statement at each closing for out-of-pocket disbursements, the largest of which are typically photocopying, courier services, telephone, fax transmissions and travel expenses, if required.

If acceptable, kindly execute the enclosed copy of this letter in the space provided and return it to me at your convenience. I appreciate this opportunity to be of service and look forward to working with the Town.

Very truly yours,  
Timothy R. McGill

ACCEPTED THIS 31<sup>ST</sup> DAY OF JANUARY, 2003  
TOWN OF PALMYRA, NEW YORK

By: David C. Lyon, Supervisor

Second: James Welch

Carried: Unanimously

Supervisor David C. Lyon is to sign the letter and it will be returned to Mr. McGill.

TOWN HEALTH  
OFFICER

2. Dr. Riggs's letter requesting annual retainer fee of \$1000:

Discussion ensued concerning Dr. Riggs's request for an annual retainer fee of \$1000 in addition to any other services performed for the Town. Supervisor Lyon noted that the 2003 budget limits the amount paid to the Town Health Officer to \$650.

Supervisor Lyon agreed to write Dr. Riggs to thank him for his service to the Town.

Motion by David Nussbaumer to adjourn this meeting of the Town Board at 8:23 PM.

MTN: TO ADJOURN  
MEETING

Second by: Michael Lambrix

Carried: Unanimously

Respectfully submitted,

Lyndall Ann P. Green  
Palmyra Town Clerk