

VILLAGE OF PALMYRA BOARD OF TRUSTEES
REGULAR MEETING
June 7, 2001 6:30 p.m.

PRESENT: Mayor Gunkler, Trustees DeVogelaere, Salomon and Celentano.

PLEDGE OF ALLEGIANCE

BOND RESOLUTION: The following resolutions were offered by Trustee Celentano, who moved the adoptions, seconded by Trustee DeVogelaere, to-wit:

**BOND RESOLUTION
(SUBJECT TO PERMISSIVE REFERENDUM)**

A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, **THE MILLING AND RESURFACING, RECONSTRUCTION OF THE HOWELL AND CUYLER STREETS** IN AND FOR THE VILLAGE OF PALMYRA, WAYNE COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$80,000 AND AUTHORIZING THE ISSUANCE OF \$80,000 BONDS OF SAID VILLAGE TO PAY THE COST THEREOF.

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; NOW THEREFORE BE IT

RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Palmyra, Wayne County, New York, as follows:

Section 1. The milling and resurfacing reconstruction of Howell and Cuyler Streets in and for the Village of Palmyra, Wayne County, New York, are hereby authorized, **SUBJECT TO PERMISSIVE REFERENDUM**, at a maximum estimate cost of \$80,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$80,000 bonds of the Village hereby authorized, **SUBJECT TO PERMISSIVE REFERENDUM**, to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 20(c) paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of said bonds **will exceed five years**.

Section 4. The faith and credit of said Village of Palmyra, Wayne County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Village treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by

Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- a. Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- b. 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
- c. Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in full or in summary thereof in the *Palmyra Courier Journal*, which is hereby designated as the official newspaper of said Village for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE MILLING AND RESURFACING RECONSTRUCTION OF THE SOUTH MAIN STREET PARKING LOT IN AND FOR THE VILLAGE OF PALMYRA, WAYNE COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$40,000 AND AUTHORIZING THE ISSUANCE OF \$40,000 BONDS OF SAID VILLAGE TO PAY THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Palmyra, Wayne County, New York, as follows:

Section 1. The milling and resurfacing reconstruction of the South Main Street parking lot in and for the Village of Palmyra, Wayne County, New York, is hereby authorized, **SUBJECT TO PERMISSIVE REFERENDUM**, at a maximum estimate cost of \$40,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$40,000 bonds of the Village hereby authorized, **SUBJECT TO PERMISSIVE REFERENDUM**, to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 20(f) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of said bonds **will exceed five years**.

Section 4. The faith and credit of said Village of Palmyra, Wayne County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Village treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates,

within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- a. Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- b. 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
- c. Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in full or in summary thereof in the *Palmyra Courier Journal*, which is hereby designated as the official newspaper of said Village for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, RENOVATIONS TO AND RECONSTRUCTION OF THE VILLAGE HALL IN AND FOR THE VILLAGE OF PALMYRA, WAYNE COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$80,000 AND AUTHORIZING THE ISSUANCE OF \$80,000 BONDS OF SAID VILLAGE TO PAY THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Palmyra, Wayne County, New York, as follows:

Section 1. Renovations to and reconstruction of the Village Hall in and for the Village of Palmyra, Wayne County, New York, are hereby authorized, **SUBJECT TO PERMISSIVE REFERENDUM**, at a maximum estimate cost of \$80,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$80,000 bonds of the Village hereby authorized, **SUBJECT TO PERMISSIVE REFERENDUM**, to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 12(a)(2) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of said bonds will exceed five years.

Section 4. The faith and credit of said Village of Palmyra, Wayne County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Village treasurer, the chief fiscal officer. Such notes shall be of

such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- a. Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- b. 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
- c. Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in full or in summary thereof in the *Palmyra Courier Journal*, which is hereby designated as the official newspaper of said Village for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE PURCHASE OF EQUIPMENT FOR THE VILLAGE OF PALMYRA, WAYNE COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$115,000 AND AUTHORIZING THE ISSUANCE OF \$115,000 BONDS OF SAID VILLAGE TO PAY THE COST THEREOF.

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; NOW THEREFORE BE IT

RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Palmyra, Wayne County, New York, as follows:

Section 1. The following are hereby authorized in and for the Village of Palmyra, Wayne County, New York, as follows:

- a). The purchase of a woods mower at a maximum estimated cost of \$12,675, being a specific object or purpose having a period of probable usefulness of five years pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law;
- b). The purchase of a lift truck at a maximum estimated cost of \$66,325, being a specific object of purpose having a period of probable usefulness of fifteen years pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law;
- c). To pay a part of the cost of the purchase of a loader at a maximum estimated cost of \$36,000, being a specific object of purpose having a period of probable usefulness of fifteen years pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law;

Section 2. The total maximum estimated cost of the aforesaid specific objects or purposes is \$115,000, and the plan for the financing thereof is by the issuance of \$115,000 bonds of said Village hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law, to be allocated in accordance with the maximum estimated costs set forth in Section 1 hereof.

Section 3. The faith and credit of said Village of Palmyra, Wayne County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Village treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 5. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 6. The validity of such bonds and bond anticipation notes may be contested only if:

- a. Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- b. 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
- c. Such obligations are authorized in violation of the provisions of the Constitution.

Section 7. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 8. Upon this resolution taking effect, the same shall be published in full or in summary thereof in the *Palmyra Courier Journal*, which is hereby designated as the official newspaper of said Village for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 9. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

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

Mayor Gunkler	voting aye
Trustee Celentano	voting aye
Trustee DeVogelaere	voting aye
Trustee Salomon	voting aye

The resolutions were thereupon declared duly adopted.

APPROVAL OF MINUTES: Motion was made by Trustee Celentano, second by Trustee DeVogelaere to approve the minutes of May 21, 2001. Vote, 4 ayes. CARRIED.

APPROVAL OF VOUCHERS: Motion by Trustee Celentano, second by Trustee DeVogelaere to approve for payment vouchers 908-910 of May 30, 2001 for \$8,241.62 and vouchers 1-12 of June 18, 2001 for \$65,184.15. Vote, 4 ayes. CARRIED.

TRUSTEE REPORTS: Trustee Salomon reported that Roger Weaver has met with Chris Kamar of APD about the seeding of the Marina. According to Trustee DeVogelaere the seeding is almost completed. Trustee Salomon introduced Brian Bieda, of ST Environmental Services. Brian distributed the operational reports for May and April for the water and sewer treatment plants to the Board members.

Trustee Salomon noted that based on discussions with Brian, upgrades are needed to two clarifiers at the sewer treatment plant. Thus, he offered the following permissive referendum:

PERMISSIVE REFERENDUM

NOTICE IS HEREBY GIVEN that the Board of Trustees of the Village of Palmyra, Wayne County, New York, adopted a resolution during a meeting on June 7, 2001 subject to Permissive Referendum as follows;

BE IT RESOLVED that a sum up to and not to exceed TWO THOUSAND, FIVE HUNDRED DOLLARS (\$2,500) shall be expended from the Capital Reserve Sewer System Improvements HR4 for upgrades to the clarifiers at the Sewer Treatment Plant.

Following publication, the foregoing resolution shall be posted in six (6) conspicuous places and in accordance with Section 9-902 of Village law, shall take effect in thirty (30) days.

BY ORDER OF THE VILLAGE BOARD

Palmyra, New York
Alicia M. Lynch
Village Clerk

Dated: June 7, 2001

Completion: July 8, 2001

Second by Mayor Gunkler. Vote, 4 ayes. CARRIED.

Additionally, the bid opening will be on June 27th for the replacement water line to Garlock at. Also, he asked Brian Bieda to research any history of problem with sewer backups at King Court Apartments. They have filed a claim with the Village's insurance company that Trustee Salomon would like to discuss it the next meeting with the village attorney present.

Trustee DeVogelaere reiterated that the seeding has been completed on the south and east side of the Marina.

Trustee Celentano reported that the highway department has removed the old water main to Garlock from the Division Street canal bridge. The new one will be installed under the Canal. Nelson Cook has contacted Steve Cleason, APD regarding what agencies will be involved in order to release fill material to property owners. He has also asked Mr. Cook to check into weight limit restrictions for Canal, Stafford and Hyde Parkway. Mayor Gunkler asked Trustee Celentano to see if the highway department could possibly move the material from the Marina and stockpile it elsewhere. Canal Street looks so nice now and the soil piles at the corner detract from it. ,

CORRESPONDENCE/ANNOUNCEMENTS: The following correspondence has been received and is on file at the office of the Village Clerk:

- Notification from Time Warner about upcoming changes to channel line-ups.
- Don't forget MusicFest 2001, June 9 from 1pm in the Village Park.

NEGATIVE DECLARATION: Trustee Celentano moved that pursuant to the SEQR, the negative declaration as prepared by Sniedze Associates for the Clinton Street reconstruction project stating the project will have no significant environmental impact is hereby adopted. Second by Trustee DeVogelaere Vote, 4 ayes. CARRIED.

CANALSIDE RENTALS: Bill Heckman addressed the Board once again about the start up of Canalside Rentals here in Palmyra. He first came to the Board proposing that Canalside set up in the Marina. Since then, they have had a change of heart and will probably be seeking permission from the County to locate in Aqueduct Park. However,

they would love to count on the Marina as a backup location and would certainly appreciate a letter of support sent to the County on their behalf.

PALMYRA COMMUNITY CENTER REQUEST: Palmyra Bowl will be doing another fundraiser this year for the Community Center. This year's activity will take place on Saturday, July 28. They would like to have Cuyler Street closed from Main Street to the Legion. Motion by Mayor Gunkler, second by Trustee DeVogelaere to approve the fundraising event pending a date clarification and Chief Dalton's approval of the hours for the closing of the street. Vote, 4 ayes. CARRIED.

PUBLIC COMMENTS: Ellie Drake asked if the current Board would consider naming the new trustee in the same way that Mayor Elliott had used (next higher vote getter at the last election). Mayor Gunkler said he hadn't thought about it yet. Debbie Rothfuss asked if a new liaison would be named to the Fire Department. Mayor Gunkler said no, and by the way the Fire Hall roof has been completed.

Trustee Salomon left at 7:10 p.m.

CLAREMONT PARK: The spelling of Claremont Park was discussed once again. The deed and dedication were retrieved from the Village archives. Both street signs are in error as well as the Post Office. Motion by Trustee DeVogelaere, second by Trustee Celentano, to order new street signs with the Claremont Park spelling as originally dedicated and notify the residents and post office. Vote, 3 ayes. CARRIED.

Mayor Gunkler announced that a meeting has been scheduled for next Tuesday with the highway and police departments to discuss any changes needed for parking.

Motion by Trustee DeVogelaere, second by Trustee Celentano to go into executive session for discussion of a personnel matter at 7:15 p.m. Vote, 3 ayes. CARRIED.

Motion by Trustee Celentano, second by Trustee DeVogelaere to re-enter public session and adjourn at 7:45 p.m. Vote, 3 ayes. CARRIED.

Respectfully submitted,

Alicia M. Lynch