

VILLAGE OF PALMYRA BOARD OF TRUSTEES
REGULAR MEETING

December 21, 2009 7:00 p.m.

ROLL CALL: Present: Mayor Daly, Trustees Bradstreet, Husk, Nolan and Piccola and Attorney Williams.

PLEDGE OF ALLEGIANCE

CALL TO ORDER: Mayor Daly called the meeting to order at 700 p.m.

PRESENTATION: ALICE BLAZEY: On behalf of the Village Board of Trustees, the Village Crier Jim Bush presented centenarian Alice Blazezy with a certificate of congratulations and best wishes for her 100th birthday. Mayor Daly added that Sunday, January 3rd will be known as Alice Blazezy Day in the Village of Palmyra.

THANK YOU TO SUPERISOR LYON: On behalf of the Board, Mayor Daly expressed best wishes to Supervisor Lyon for a long and happy retirement.

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APPROVAL OF MINUTES: Motion was made by Trustee Nolan, second by Trustee Piccola to approve the minutes from December 7, December 9, and December 16, 2009 as written. Vote, 4 ayes. CARRIED.

APPROVAL OF ABSTRACT: Motion was made by Trustee Piccola second by Trustee Bradstreet to approve payment of Abstract #7, vouchers 518 – 592 for \$119,000.08. Vote, 4 ayes. CARRIED.

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

- Thank you from Helen Contant re. hospitalization
- EMS Mutual Aid Report
- Fee schedule Bldg. and Zoning of Village of Pittsford
- Police car accident
- Canandaigua St. easement results: 9 approvals, 3 declinations- no new sidewalk in the 300 block of Canandaigua St. as part of the project

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TRUSTEE REPORTS

Trustee Bradstreet confirmed that the Code contract has been renewed for three more years.

Trustee Husk – Reporting for the Fire Department, Trustee Husk moved to accept Michael J. McPherson and Jess Wilson for membership into the Fire Department following completion of the appropriate training and a satisfactory physical examination. Second was made by Trustee Nolan. Vote, 4 ayes. CARRIED.

Trustee Nolan reviewed the Water and Wastewater monthly operating report.

Trustee Piccola moved to adopt the following budget transfers:

\$4950.00	from	A5110.4	to	A5110.411
\$3128.58	from	H71-8230.4	to	A5112.2 (CHPS)
\$923.40	from	A5110.411	to	A5110.423

Second was made by Trustee Bradstreet. Vote, 4 ayes. CARRIED.

Ron Rink and Bob Raeman, Clark Patterson Lee have been reviewing the contract with the apparent low bidder of Canandaigua St. So far they have identified about \$73,000 in possible savings. They are hoping to have a full report of savings for the second meeting in January.

Attorney Williams – no report.

Mayor Daly provided her usual written report.

NEW/OLD BUSINESS:

LIONS CLUB SIGN REQUEST: The Lions Club would like to permission to have a plaque add to a standard at the marina indicating that the Lions Club is donating the flags and dedicating them to the veterans of Palmyra. Motion was made by Trustee Bradstreet, second by Trustee Piccola to give such permission to the Lions Club. Vote, 4 ayes. CARRIED.

EMS DEPARTMENT DISCUSSION: The Board discussed the need for moving to a third party billing system for ambulance service. First of all, the Certificate of Need will need to be changed into the name of the Village of Palmyra. Attorney Williams will research the procedure for changing the Certificate of Need further. The ambulance would become a separate line item in the budget; essentially it will become a separate department. Third party billing can then take place. Medex seems to be the company of choice in this area. They charge a flat 10% on all calls. If the ambulance is housed where it is now, it should pay rent and a portion of utilities and insurance to the Fire Dept. These costs would be deducted from the gross income. Income from the ambulance cannot go into the general fund; it would need to be a separate account, like the water and sewer funds.

Reimbursement from insurance companies can lag as much as 2-3 months. Turn-around time is influenced by accuracy and completeness of patient care reports from ambulance staff.

The Village would decide the number of times which Medex will bill the patient. Law requires a "reasonable attempt" to be made. Some communities have a line item to cover co-pays. That amount must exceed the anticipated amount of the co-pays, usually determined by the previous years' experience.

WATER DISCREPANCIES: Motion was made by Trustee Nolan, second by Trustee Piccola to approve the Clerk Treasurer's recommendation for manual billing for R. Wirthman, J. Miner, T. Eskild and J. Holtz. Vote, 4 ayes. CARRIED.

CANANDAIGUA STREET BOND RESOLUTION: The following resolution was offered by Trustee Nolan, who moved its adoption, seconded by Trustee Piccola, to wit:

BOND RESOLUTION DATED DECEMBER 21, 2009.

A RESOLUTION AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$590,000 BONDS OF THE VILLAGE OF PALMYRA, WAYNE COUNTY, NEW YORK, TO PAY A PORTION OF THE COSTS OF THE WATERLINE REPLACEMENT PORTION OF THE CANANDAIGUA STREET PROJECT, IN AND FOR SAID VILLAGE.

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 as a Type II Action, 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 Village Board of Trustees of the Village of Palmyra, Wayne County, New York, as follows:

Section 1. For the specific object or purpose of paying additional costs of the waterline replacement portion of the Canandaigua Street Construction Project, in and for the Village of Palmyra, Wayne County, New York, including original furnishings, equipment, machinery, apparatus, appurtenances and incidental improvements and expenses in connection therewith, there is hereby authorized to be issued an additional \$590,000 bonds of said Village pursuant to the provisions of the Local Finance Law.

Section 2. The maximum estimated cost of such specific object or purpose is now determined to be \$2,350,000, and the plan for the financing thereof is as follows:

- (a) By the issuance of the \$1,550,000 bonds of said Village, heretofore authorized to be issued therefor pursuant to a bond resolution dated August 25, 2009; and

- (b) By the issuance of the additional \$590,000 bonds of said Village herein authorized.
- (c) By the expenditure of \$210,000 monies of the Water Capital Reserve Fund which monies are hereby authorized to be expended therefor.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 91 of paragraph a of Section 11.00 of the Local Finance Law, based on subdivisions 1, 4 and 20(c) thereof. It is hereby further determined that the maximum maturity of the bonds herein authorized shall 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. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Village Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as the Village Treasurer shall deem best for the interests of said Village, provided, however, that in the exercise of these delegated powers, the Village Treasurer shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Village Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. 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 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this Resolution is 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 obligations are authorized in violation of the provisions of the Constitution.

Section 9. 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 10. Upon this resolution taking effect, the same shall be published in full or summary form in 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 11. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

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

Trustee Bradstreet	aye	Trustee Piccola	aye
Trustee Husk	aye	Mayor Daly	aye
Trustee Nolan	aye	5 ayes.	CARRIED.

The resolution was thereupon declared duly adopted.

EXECUTIVE SESSION: Motion was made by Trustee Bradstreet, second by Trustee Piccola to move into executive session at 8:05 p.m. for contractual. Vote, 4 ayes. CARRIED.

PUBLIC SESSION: Motion by Trustee Husk, second by Trustee Piccola to move back into public session with no action having taken place. Vote, 4 ayes. CARRIED.

MEMO OF AGREEMENT: Motion was made by Trustee Nolan, second by Trustee Piccola to approve and authorize the Mayor to sign the memo of agreement with the CSEA regarding repayment of Terwilliger vacation time. Vote, 4 ayes. CARRIED.

ADJOURNMENT: Motion by Trustee Piccola, second by Trustee Nolan, to adjourn at 9:00 p.m. Vote, 4 ayes. CARRIED.

Respectfully submitted,

Alicia M. Lynch
Clerk Treasurer