

Regular Board Meeting

Board of Trustees

7:00 P.M.

Present: Mayor David Nussbaumer and Trustees Donald Sinclair, Donald Leysath, David McGuire, and Paul Mierke.

Vouchers: Motion by Trustee McGuire, 2nd by Trustee Leysath to approve payment of the current vouchers as presented.

Fire Chf. O'Brien: Fire Chief James O'Brien spoke briefly relative to the No Parking signs between 9:30 A.M. and 12:30 P.M. on Sundays on Canandaigua Street, which apparently are not noticed or heeded by persistent citizens. He commented that when cars are parked on both sides of the street, travel is actually restricted to one direction and would certainly not allow for the meeting of a fire truck and car if each were going in the opposite direction. It may be that the police department should be alerted to this situation.

FireDept: W.Boys: William Boys, representative of the Young Fire Equipment Co. along with Fire Chief James O'Brien reviewed with the board the long range plans of converting the pumper to a tanker. The present wheelbase of the pumper is 240" and would have to be reduced in size to 204". The present pumper is 22 years old. Consequently, the brake system would have to be overhauled, new tires added, repair the sheet metal and paint. This, then, would prepare the mechanism for a 1,000 gallon tanker at a cost of approximately \$19,200. (This price is reasonable, they revealed, in comparison to the price of \$30,000.00 for a new. This would be for a Class A. Pumper.)

In the course of the discussion, it was interjected that the percentage of fires that call for use of a tanker are in the TOWN OF PALMYRA. Trustee Leysath volunteered to contact Supervisor Bedette to discuss the need in the Town of Palmyra for this piece of equipment pointing out to him that it would behoove the Town of Palmyra to consider contributing more in their budget to the fire fund of the Village of Palmyra.

H. Van Etten

Re:Water: Hiram Van Etten, Operator of the Water Plant, informed the Village Board that the pressure in valves in the raw water line have not shut off for 7 days. It would be his suggestion that the Village consider an additional filter and larger pumps. At present the pumps draw 400 gals./hr. A pump which would draw 600 gals./hr. would be adequate. In view of the additional homes and apartments being built within the village, he feels that within 6 mos. there will be definitely a need for the pumps.

Leaks(?) Raw Line: H. Van Etten further commented that in his opinion there are definitely leaks in the raw water line from Canandaigua Lake Pumping Station. At the present time the control valve for the raw water line is at Garlock, Inc. and he feels that the control should be at the Spring Street Plant. A control valve might cost \$2,000.00, plus, as at present Garlock does pay the electric and maintenance of the valve. However, H. Van Etten commented that it was his feeling that Garlock is paying annually about 1/3 of what they should be paying. (As an added comment, any line going into Garlock, Inc. should be metered and not by-passed.)

Chas. Richardson: Charles Richardson, East Foster Street, advised that he was present at the board meeting as a representative of the Jaycees. He commented that as an individual, he felt that the Oxygen Squad which has made a purchase for a 1970 Cadillac ambulance, has caused confusion and he wondered why the Fire Department is now getting an ambulance. (At this point there was a general discussion with 2 and 3 individuals talking at the same time with no comments recorded.)

Cable T.V.: Attorney Henry B. Nesbitt, informed the Village Board that the attorney for C.A.T.V. suggested that the Village undertake to have a public hearing and be so publicized.

August 17, 1970

3M2AR

Resolution: The following resolution was made by Trustee Leysath, 2nd by Trustee Sinclair, and carried:

RESOLVED: In that Information Transfer has proposed the installation of Cable T.V. in the Village of Palmyra, and

WHEREAS: The Village Board of the Village of Palmyra feels that a Public Hearing would be in order,

BE IT RESOLVED: That the Village of Palmyra have a Public Hearing on the 31st day of August, 1970 at 6:30 P.M.E.D.S.T. in the Justice Court Room in the Village Hall concerning the question of granting an exclusive franchise to Information Transfer, Inc. for the operation and maintenance of a community antenna television system and communication testing facility in the said Village of Palmyra.

Tn.of Walworth Supervisor: Town of Walworth Supervisor, Raymond Wasielewski, discussed with the Village Board the possible merging of the 3 Villages of Macedon, Walworth and Palmyra for a communal dump. The board agreed to consider this although it is anticipated that at the present time the Village of Palmyra facilities seem to be meeting state demands.

Prospect Park: Mayor Nussbaumer reviewed with the board Prospect Park which had been viewed and looked over by William Kaveny, caretaker of the cemetery. It was his impression that this could be made into a "delightful" place to picnic. Kaveny's summation of possible improvements were handed over to Trustee McGuire and Trustee Mierke.

Industry: Mayor Nussbaumer informed the board that information he had received from Russ Fowler in relation to possible industry declining entrance into the village, was lack of proper planning.

15 mi./Hr. Sign: Mayor Nussbaumer suggested that the board consider purchasing signs that could be placed at the side of the street on Hyde Park and removed when not needed regulating the speed of vehicles on this school street to 15 mi/hr. Possibly 2 signs placed at intervals from Main Street going south on Hyde Park, one on West Foster, west of Stafford and one immediately on Hyde Park going north prior to the entrance of the school. Such moveable signs are available.

Unsafe Bldgs: A letter received from Bruce Wideman, Zoning Officer, advised that the following buildings, on his inspection, should be considered unsafe: (1) Johncox Garage, Market Street, (2) Johncox Cattle Barns, Market Street, (3) Roche House, formerly Tomes, West Jackson, (4) Knulty House, formerly Rifenberg House, William Street. Clerk advised to send and post notices to this effect. Motion was made by Trustee Sinclair, 2nd by Trustee Leysath and carried.

Police: County Study A letter received from the Wayne County Board of Supervisors indicated that villages within Wayne County were being approached to contribute funds for a study of a county wide police force. The Village of Palmyra was asked to contribute \$34.86. Motion by Trustee Sinclair, 2nd by Trustee Leysath and carried as follows:

Contri. \$50.00 **Resolved:** The Village of Palmyra Board of Trustees shall contribute to the Wayne County Board of Supervisors the sum of \$50.00 as its share of a study for a county wide police force.

Clerk Conference: The following resolution was made by Trustee Sinclair, 2nd by Trustee Leysath and carried:
Resolved: The Clerk Treasurer, Theresa P. Otte, shall be allowed to attend the Conference of New York State Clerks and Treasurers Conference at Grossingers October 6th through October 9, 1970 at village expense, funds having been so provided in the fiscal budget for the year 1970-71.

- Steel Flag Pole:** A 245# Flag Pole may be purchased from the Geneva Tent & Awn-ing Company, Geneva, New York at a cost of approximately \$192.00. Motion by Trustee Leysath, 2nd by Trustee Sinclair, and carried to order same.
- Gripe Session:** It was agreed that the next "Gripe Session" would be September 12., 1970 at 10:00 - 12:00 Noon in the Trustees Office.
- Police Auxiliary:** Trustee McGuire read a letter which he had received from Act-ing Sgt. Peter Stirpe, relative to the formation of a Police Auxiliary. Mr. Swartle of Lyons had suggested this to Act. Sgt. Stirpe. Board agreed to invite Mr. Swartle to the board meeting 8/31/70 at 8:00 P.M.
- Dead Elms:** Memos received from S. Knapp, Washington Street, advised that there is a dead elm tree in front of his house, as well as a hole in the street which should be repaired. Blake Duffy, corner Cuyler and East Jackson, advised that there is a dead elm tree on the East Jackson Street side that should be slated for removal.
- Dump:** The following motion was made by Trustee Sinclair, 2nd by Trustee Leysath and carried:
- New Dump Hours** **RESOLVED:** Inasmuch as it is the intent of the Board of Trustees of the Village of Palmyra to abide by the rules and regulations of the New York State Department of Health in connection with the proper operation of a Sanitary Land Fill; and,
WHEREAS: In order to properly cover the Village of Palmyra land-fill on Garnsey Road, in the Town of Palmyra, daily, after daily deposits,
BE IT RESOLVED: That the hours of dumping shall be Wednesday from 9:00 A.M. to 4:00 P.M., Saturday from 8:00 A.M. to 4:00 P.M., and no dumping on any other days of the week after 4:00 P.M. with no dumping on Sunday allowed.
 The above resolution to be effective as of August 26, 1970.
- Electro. Rust. Water Tank:** Wallace & Tiernan, 25 Main St., Belleville, N.J., informed the Village of Palmyra Water Department that due to the rising costs of material and labor, it is necessary to adjust the service rate for the electrodes which are installed in the storage water tank annually for rust-proofing. The fee for this service will be as of January 1, 1971 \$337.00 as against a former figure of \$308.00. Motion was made by Trustee Leysath, 2nd by Trustee Sinclair to allow the Mayor of the Village of Palmyra, David M. Nussbaumer, to sign the contract in behalf of the Village of Palmyra. Motion carried.
- Roof: P.&C. Bldg.** Quotations for the re-roofing of the highest point and the lower right half of the Park & Club Bldg. were asked of James R. LeFever and Howard C. Smith, who declined to give an estimate. LeFever gave a bid of \$775.00. The following motion was made by Trustee Sinclair, 2nd by Trustee Leysath and carried:
RESOLVED: That the clerk so notify James R. LeFever, Daansen Rd. Palmyra, N.Y., to re-roof the highest point of the Park & Club Bldg. and the lower right half for a contract price of \$775.00, work to be commenced as soon as possible.
- Narcotic Council:** Motion was made by Trustee Sinclair, 2nd by Trustee Leysath and carried to appoint a chairman of the Narcotic Council, to wit:-
Resolved: That the Board of Trustees of the Village of Palmyra, appoint Ronald Valentine as Chairman of the Narcotic Council of the Village of Palmyra, such term to extend for a period of 3 yrs.
- Granite Curbing:** Clerk contacted the Village of Newark, who informed her that they had obtained granite curbing from H.E.Fletcher, West Chatham, Mass. Letter was so written to this firm, with no reply to date.
- Adjourn:** Mayor Nussbaumer adjourned the meeting at 10:05 P.M.

Theresa P. Otte, Clerk Treas.

August 24, 1970

3M7AR

Special Board Meeting

Board of Trustees

7:00P.M.

Present: Mayor David Nussbaumer, and Trustees David McGuire, Paul Mierke, Donald Sinclair, and Donald Leysath.
 Village Attorney, Henry B. Nesbitt.
 Oxygen Squad Representatives, Vincent Craft, Robert Henning and Kermit Jones.
 Ambulance Squad Representatives, Richard Leone and Charles Richardson.

Mayor Nussbaumer: Advised gathering that special meeting had been called to give both the Oxygen Squad and the Ambulance Squad an opportunity to speak with the Village Board.

V.Craft: Asked that he be granted permission to speak but would ask that the members of the Ambulance Squad leave the room, which they did. V. Craft then advised the group present that he had prepared a statement relative to the formation of the Oxygen Squad 25 years ago and its functions over the years to the present which was read by him as follows:

V.Craft Verbatim: "I respectfully request to make a few remarks to you concerning a problem that seems to have arisen between you and the Palmyra Firemen's Assoc.

"The Palmyra Firemen's Association is composed of active and inactive members of all legal and constituted fire companies of Palmyra:

History
of
Oxygen
Squad

"The Steamer & Hose Company
 The Palmyra Fire Company
 The Protective Hook & Ladder Co.
 The Sexton Hydrant & Hose Co.

1948 -
Present

"This association took on a project about 25 years ago because our Dr. James Bramer who is not working full time, and Mrs. Jessie McClellan, our retired county nurse heard about an oxygen emergency unit from another area.

"Throughout the years the squad has progressed and grown, from a crew of three or four men to today's roster of 13 Red Cross trained men and most men holding special training cards issued by the Finger Lakes Council of Heart Fund. Our purpose is stated in our annual report that is sent to the Department of Social Welfare, State of New York, which reads: 'Statement of Service Rendered: Volunteer fire fighting, campaigns and service to prevent fires, the operation and complete maintenance of an oxygen emergency squad and an oxygen therapy unit on a full 24 hour basis.'

"To full-fill this assignment, the association has provided the squad with the latest and most up-to-date equipment that money can buy. From riding on our own squad truck which is still in fire service, we supplied a 1959 station wagon and when that was involved in an accident when returning from Clifton Springs after answering a call to a woman with what later was given as cerebral hemorrhage, the association put into service our truck-van, a truck which was converted to a piece of emergency equipment for transporting our patients to medical aid.

"As time went on from 1948 to 1970 when several doctors, namely, Drs. Marsh, Bennett, Nesbitt, Hageman, Avery, English, Brandetsas were available, to help our village citizens. Today only Drs. Braell and Smith are here.

"We find that more and more of our patients must be transported to hospitals for medical aid. Our converted truck with several faults has served us well.

"In December, 1969, a proposition was put before the Palmyra Firemen's Association that a new up-to-date vehicle be secured. In January after a month of intense investigation by the oxygen squad who have to man this unit, a motion was made to secure a piece of equipment. A set amount of money from funds donated

by people of Palmyra and set in an investment program in accordance with state law was designated to be used to pay for same.

"On February 16, 1970, I went before the Village Board to get their permission to do so because the vehicle is always given to the village as part of fire equipment. On the strength of a motion of the former village board the stage was now set for actual negotiation with equipment companies. However, at this time, I was not informed of an "unwritten" law that one Board can nullify another's resolution. Inasmuch as I have been informed since that this can be done by one of your Trustees, and at which time he stated that you are morally bound, but not legally bound, to this resolution. Then "morally" I should have been told then about this at the time so that I could have consummated the deal sooner or re-petitioned the present board before contracting to buy a vehicle. Bids were secured on units. Some bids were rejected because of price and others for not having the right equipment on the vehicle to suit the purpose of the oxygen squad.

"At last the squad was approached by a company for a unit. It was demonstrated to the firemen on August 13, 1970, at which time with no intentions or knowledge of violation of a village law, we entered into an agreement for the purchase of a vehicle. What make or model is of no consequence. It has many of the features that were discussed:

- "1. Smooth, safe, comfortable ride for men and patients; heart and respiratory, etc. patients have to be handled with care. Working personnel having seating arrangement and equipment conveniently located for successful operation.
2. An electrical system for operation of 110 volt equipment - - tents and suction equipment.
3. Outside lighting for the convenience of loading and unloading of patients at night.

"The very things that were discussed by the previous board as to why a change.

"Four days later, after a purchase order was signed by Richard Lynch, president and myself, treasurer; also acting as purchasing agent. Representatives from another group appeared before this board with unfounded charges which were followed by a damaging newspaper article.

"Gentlemen, since the purchase order is signed by men from an unincorporated organization and is binding and since the fulfillment of contract has been stopped by not being able to use present van as trade in as stated on contract.

"The organization could be set up for a Breach of Contract Suit. This is very bad since now the welfare and reputation of all officers and all members of the association are at stake since we must fulfill any monetary contract that the organization is liable for.

"Let's stop and consider the situation: This is money donated by the people to be used for oxygen purposes; we are bound to a contract; we are volunteers for both the oxygen squad and the fire department. Could you morally stop this transaction when it is done for the best interest of the people involved: If there are any further questions, please feel free to ask." End of Quote.

Mayor Nussbaumer thanked Mr. Craft for his concise report and asked that the Ambulance members be asked to return to the room.

C.Richardson: Charles Richardson, of the Ambulance Squad suggested that a public announcement be made to differentiate the two vehicles - - that the one operated as a branch of the Fire Department is an Oxygen Wagon and not an ambulance.

Petition: Vincent Craft informed the group that unbeknown to him a petition was circulated and signed by a large number of grateful people, which read as follows:

(Note: Petition filed in Fire Department - Village of Palmyra)

August 24, 1970

3M7AR

QUOTE : "August 21, 1970 - - To whom it may concern: We the undersigned, would like to advise you that we would like to have the continuance of the firemen's oxygen squad. We have certainly appreciated all the fine work done by this emergency squad in our neighborhood and also for many, many others. These men have worked uncomplainingly for many years at this job and we would like for them to carry on their wonderful work." End of Quote.
(Clerk to file the petition as a part of the records.)

Attorney Nesbitt: Village Attorney, Henry B. Nesbitt, advised that it was his feeling and opinion that the people in the village would be confused by 2 new pieces of equipment.

V.Craft: Vincent Craft then commented that the fund drives have always stipulated that the funds are for the oxygen squad.

R.Leone: Richard Leone countered with that it was his opinion that there would be a duplication of vehicles and wanted to go on record as so stating.

V.Craft: Vincent Craft commented that the vehicle that the group had hoped to purchase was not new but a demonstrator and for this reason was within the budget figure that they could afford.

Adjourn: The following motion was made by Trustee McGuire, 2nd by Trustee Leysath, and carried:
RESOLVED: That the Village Board of the Village of Palmyra adjourn at 8:10 P.M. to Executive Session, at which only Village Board members, Attorney Nesbitt and the Village Clerk were present.

Re-convene: At 8:50 P.M. the following motion was made by Trustee McGuire, 2nd by Trustee Leysath and carried:
RESOLVED: That the Board of Trustees of the Village of Palmyra re-convene for a Special Board Meeting as called at 7:00 P.M. and adjourned to Executive Session at 8:10 P.M.

V.Craft: Vincent Craft was asked to re-appear in the Village Trustees Office to produce for viewing by the board the purchase offer of the demonstrator vehicle as referred to in the previous discussion. The purchase offer was signed by Richard A. Lynch and Vincent Craft in behalf of the Palmyra Firemen's Assoc.

Resolution: The following resolution was made by Trustee Leysath, 2nd by Trustee Sinclair:

RESOLVED: That the Board of Trustees of the Village of Palmyra will not relinquish the existing equipment of an oxygen wagon for a trade-in on a proposed Cadillac vehicle, nor will the village accept outright such a vehicle until such time as a greater justification is shown to the board for a need of such a vehicle, by the Palmyra Firemen's Association.

On voice vote on the above resolution, the results were:

Trustee Paul Mierke	Aye
Trustee Donald Sinclair	Aye
Trustee Donald Leysath	Aye
Trustee David McGuire	Abstentia

Adjourn: Mayor Nussbaumer adjourned the meeting at 9:25 P.M.

Theresa P. Otte, Clerk Treasurer

August 24, 1970

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AMENDMENT TO MINUTES OF SPECIAL BOARD MEETING

C.Richardson: We said, that we would not be opposed to them buying a vehicle if they (the oxygen squad) would jointly put an article in the newspaper telling the people of Palmyra what the two different services responsibilities are. And that they would go only on oxygen calls. Everyone agreed.

Mayor Nussbau- Said that the ambulance service would get together with the mer: oxygen squad, this to be Dick Leone and Vince Craft, to put an article in paper. All Agreed.

C.Richard- Asked Vince Craft if there was any possibility of the two son: organizations merging into one squad. He said the fire company voted and turned down allowing any members into the fire company squad without taking fire training. Also he stated that it would not be feasible at this time because the fire association would have to vote to disband the oxygen squad.

The above amendment was made into a motion by Donald Leysath, Trustee, 2nd by Trustee McGuire and carried.

Theresa P. Otte, Clerk Treas.

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August 31, 1970

Regular Board Meeting

Board of Trustees

6:30P.M.

Present: Mayor David M. Nussbaumer and Trustees Paul Mierke, David McGuire, Donald Sinclair, and Donald Leysath.

Public Hearing Re: Cable T.V. Proof of Publication announcing a public hearing to be held on on the question of granting an exclusive franchise to Information Transfer, Inc. was read by Mayor Nussbaumer and copy so attached.

Discussion: Representatives of Information Transfer, Inc., Mr. Hatton and Mr. Bowen commented that they would like to have an exclusive franchise. Avery Robinson, Attorney for the Village of Newark was in attendance to hear the comments. Village Attorney Nesbitt informed the board that he had received an opinion from the Controller of the State of New York which indicated that the Village could not regulate the fee which the cable company might charge the customer. Mr. Bowen answered that even if a franchise is given, they would not do themselves any good if they charged an exorbitant rate, as another could come in even though Palmyra is not large enough to "give a living" to more than one cable T.V. Attorney Nesbitt advised exclusive be stric Trustee Sinclair questioned if there were any other places near- (er by that had a non-exclusive franchise. Attorney Robinson, Newark, by that had a non-exclusive franchise. Attorney Robinson, Newark, the Village of Newark did have a non-

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August 31, 1970

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Public Hearing: Proof of Publication announcing a public hearing to be held on the question of granting an exclusive franchise to Information Transfer, Inc. was read by Mayor Nussbaumer and copy so attached.
Re: Cable T.V.

Discussion: Representatives of Information Transfer, Inc., Mr. Hatton and Mr. Bowen commented that they would like to have an exclusive franchise. Avery Robinson, Attorney for the Village of Newark was in attendance to hear the comments. Village Attorney Nesbitt informed the board that he had received an opinion from the Controller of the State of New York which indicated that the Village could not regulate the fee which the cable company might charge the customer. Mr. Bowen answered that even if a franchise is given, they would not do themselves any good if they charged an exorbitant rate, as another could come in even though Palmyra is not large enough to "give a living" to more than one cable T.V. Attorney Nesbitt advised exclusive be stric Trustee Sinclair questioned if there were any other places near- (er by that had a non-exclusive franchise. Attorney Robinson, Newark, commented that in 1964, the Village of Newark did have a non-exclusive, but nothing was done according to him. The home-- owner does not have to contract for any lenght of time. Citizen Robert Disney wondered if it wouldn't be apropos to have another Cable company within the limits for competition. Attorney Nesbitt revealed that no one else had approached the village. At this point, Attorney Nesbitt reviewd for Mr. Diney the discussion relative to a non-exclusive and exclusive Cable. Representatives of Information Transfer advised they are planning on a 10 year investment. The village would obtain 3% of their gross profit. It would be a 12 year contract.

Closed Mayor Nussbaumer closed the hearing at 7:29 P.M.
Hearing:

Theresa P. Otte, Clerk Treas.

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a public hearing will be held at the Justice Court Room in the Village Hall, Village of Palmyra, Wayne County, New York, at 6:30 P.M., Eastern Daylight Saving Time, on the 31st day of August, 1970, concerning the question of granting a franchise to Information Transfer, Inc., for the operation and maintenance of a community antenna television system and communication testing facility in the said Village of Palmyra.

August 19, 1970

BY ORDER OF THE
VILLAGE BOARD
Theresa P. Otte, Clerk

STATE OF NEW YORK,
COUNTY OF WAYNE

ss:

Marilyn Culver

being duly sworn, says that she is the bookkeeper

of the Palmyra Courier-Journal, a public newspaper, printed and published weekly at

Palmyra, Wayne County, N. Y., and that a copy

of which the annexed printed slip is a true copy, was duly published therein once in

each week for one successive weeks, beginning Aug. 20, 1970

and ending Aug. 20, 1970

Marilyn Culver

Sworn before me this 21

day of August 1970

HARRY K. WHITE, Notary Public

State of New York, County of Monroe

Qualified in Wayne County

My Commission Expires, March 30, 1971

Fees

Harry K. White
Notary Public, Wayne County.

August 31, 1970

Regular Board Meeting

Board of Trustees

7:30 P.M.

10/2/70

Present: Mayor David M. Nussbaumer, and Trustees David McGuire, Paul Mierke, Donald Leysath, Donald Sinclair. Village Attorney, Henry B. Nesbitt.

Vouchers: Motion by Truste Mierke, 2nd by Trustee Leysath to approve payment of the vouchers as presented. Carried.

Wm.Roche: William Roche, Urban Renewal Director, commented on the storm which ravaged the Village of Palmyra Park, Cemetery and Discuss. some of the business roofs, signs, etc. He advised that he Storm: had called HUD to advise them of the damage of the area on East Main Street, primarily between Market and William Streets. 8/30/70 In discussing this with HUD, they advised that we should consider 3 things: (1) Early Land Acquisition(ELA) - --Establish HUD's funds with the government for lands. (2) Simple Letter of Role Consent - - Allows village to spend its own money and later the village would be reimbursed. (3) Demolition Grant - -- Owner would not be reimbursed for his property, other than collecting from his own insurance. The village, however, could tear down.

Meeting: Trustee Sinclair commented that Edward Swartele of the Wayne with County Civil Defense along with Roy L. Erlandson, Dist. Director Civil of the State Civil Defense Commission, had conferred with Mayor Defense: Nussbaumer, and Trustee Mc Guire, relative to forms which they would have available which should be filled out by all those who had suffered any kind of a loss due to the tornado winds which swept through from the northwest corner of the Village of Palmyra about 9:15 P.M., August 30, 1970, ripping the roof of the Catholic Church on Church Street, but leaving the cross intact, swooping down into the Village Park, uprooting a dozen Damage trees, tearing wiring from the Park & Club Bldg., glancing by Storm on the top of the roofs of Pearsall's Dress Shoppee, but ripping roofing from the firm of McGuire & Hargrave, New York State Electric & Gas and McClelland Block, twisting the tin roof to batter against the Canal Town Bldg., to dislodge the outside steps, slipping down across the Main Street, leaving the Steel Pole intact, but crumbling bricks on the corner of the Rubery Block, jumping with full force on the Garlock Office on East Main, ripping and tearing limbs as the tornado cut a path to the village cemetery where it lashed out in full force to uproot 18 trees, slicing limbs off many more and left a village with electric wires down, and general havoc but for the cooperation and initiative of Patrolman Delbert Dagel, the Palmyra Fire Department, New York State Electric & Gas, and Ambulance Squad everything was manned to keep a partially darkened village assured that everything was under control with no fatalities.

H.Van Discussed with the Village Board that it would probably cost Etten: the village about \$70,000.00 to \$100,000.00 for an addition to the Filter Plant with a survey cost of around \$1,200.00 by Woodward Associates, consulting engineer for the Village of Palmyra. Van Etten, Operator of the Water Plant, advised that there is a need for this because the raw water line pressure is so low. Gravity flow gives about 54,000 gals./hr. but the village only gets 18,000 gals and the balance goes to Garlock. The pumps are going on an average of 22 hrs/day.

Edw. Mr. Edward Swartele of the County Civil Defense, along with Swartele: Acting Sgt. Stirpe and Police Chief Henry discussed with the board the possibility of an Auxiliary Police force. Lt. Curry of the Sheriff's Dept. spoke briefly outlining that the men of such an Auxiliary Force would be trained by the Police Dept., and should have the sanction of the Village Board. He cited the activities for a month of the force in Williamson. He commented that not every man takes exceptional interest but there are those who eventually would make excellent material for a full time police force. (They learn first aid, traffic control,

checking doors, etc., as well as some administrative work. They wear a uniform but no sidearms and usually would ride in their own cars.

Attorney Nesbitt commented that he would be concerned about presenting to the public a group of unqualified persons making arrests. Swartele replied that the auxiliary police does not arrest but calls a qualified policeman. Trustee Sinclair remarked that the village board could make rules for such an auxiliary police and Swartele concurred. (no firemen or ambulance.)

Monthly
Rpt.
Required
from
Pol.Chf.

Should the village decide to have such a force, the Civil Defense requires a monthly report from the Police Chief. The Office of Civil Defense is notified when the group would be used and the county then takes care of compensation (accidents.) They do suggest the age be 21-45 yrs., with the appointment notarized and then apps sent to the Office of Civil Defense, who then screen (even to the F.B.I. level). Mr. Swartele advised that if the village decides to go ahead, they should have the unanimous support of the board.

J.Cun- :
ningham
Re:
Comm.
Ctr.

James Cunningham spoke to the Village Board in behalf of the Community Center to inform the board that they had hired a full time director at a salary of \$10,400.00 per year, James Campbell or \$200.00 per week. He asked about Retirement and Hospitalization. The board informed him that they would discuss the matter.

After Mr. Cunningham left it was the unanimous feeling of the village board that the hospitalization and retirement should be paid by the Community Center funds and not by the Village funds.

John
Trotter:

Mr. John Trotter, Factory Insurance Association discussed the water line to be installed by Garlock, Inc. from Fayette Street to the former garage and warehouse which is being converted for workable use. The request was for an 8" line for fire protection only with a "Post Indicator Control Valve" for fire use placed ahead of same with a smaller 2" line for use of facilities.

Lauren- :
tian
Drive
(Street?)

Attorney Nesbitt read a letter received from the attorney of John Martin, relative to their proposals for the installation of a sewer line on Laurentian Drive.

Sprinkler
System:

The following motion was made by Trustee Sinclair, 2nd by Trustee Leysath and carried:

RESOLVED: **That any sprinkler system need not be metered.**

A discussion of possibly levying an annual fee for a sprinkler system was mentioned. To pass such a ruling, the water ordinance would have to be changed legally.

B.Wide-
man:

Zoning Officer Bruce Wideman, reviewed some of his Notice & Orders. He commented on the damage to buildings from the storm. In good judgment, he could not say that they should all be torn down, but they have suffered extensive damage.

Weykman
Bldg.:

The following motion was made by Trustee Leysath, 2nd by Trustee Sinclair and carried:

RESOLVED: That the 2 top floors of the Weykman Bldg. at 305 East Main Street should be removed, in order to make the building a safe spot.

Sales
Tax
Meeting:

Mayor Nussbaumer advised that he intended to attend the Supervisors' meeting on September 10th at 7:00 P.M. in Lyons relative to the distribution of the sales tax for villages. Prior to the meeting, a pre-gathering will be held with Mayor Elzefon of Newark, presiding.

Resig. :
R.Kommer

The resignation of Ronald Kommer, Maple Avenue, from the Police Department was received and accepted.

August 31, 1970

3M2AR

Cable T.V. The previous discussion of the hearing was recalled. The following motion was made by Trustee Sinclair, 2nd by Trustee Leysath and carried. **Approved.**

7/11/2012

A RESOLUTION GRANTING A FRANCHISE TO INFORMATION TRANSFER, INC., ITS SUCCESSORS AND ASSIGNS, THE RIGHT AND PRIVILEGE TO OPERATE AND MAINTAIN A COMMUNITY ANTENNA TELEVISION SYSTEM AND COMMUNICATION TESTING FACILITY IN THE VILLAGE OF PALMYRA, NEW YORK: SETTING FORTH CONDITIONS ACCOMPANYING THE FRANCHISE PROVIDING FOR VILLAGE REGULATION AND USE OF A COMMUNITY ANTENNA TELEVISION SYSTEM AND COMMUNICATION TESTING FACILITY: AND PRESCRIBING PENALTIES FOR THE VIOLATIONS OF ITS PROVISIONS

BE IT RESOLVED BY THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF PALMYRA, NEW YORK, as follows:

Section 1. For the purpose of this franchise, the following terms, phrases, words and their derivatives shall have the meaning given herein. When not inconsistent with the contents, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number.

1. "Village" is the Village of Palmyra.

2. "Community Antenna Television System" (hereinafter referred to as "CATV system") means a system of electrical construction and equipment used or to be used primarily to receive television or radio signals, directly or indirectly, and transmit them to subscribers for a fee.

3. "Communication Testing Facility" is a test bed for new communication developments.

4. "Grantee" is Information Transfer, Inc. or its successor.

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to as "CATV system") means a system of electrical construction and equip-

ment used or to be used primarily to receive television or radio signals,

directly or indirectly, and transmit them to subscribers for a fee.

3. "Communication Testing Facility" is a test bed for new

communication developments.

4. "Grantor" is Information Transfer, Inc. or its successor.

5. "Television" is a system for simultaneous transmission of audio signals and transient visual images by means of electrical impulses.

Section 2.

(a) Subject to the terms and conditions hereinafter set forth, the Village hereby grants to the Grantee a right to erect, maintain and operate antenna television and radio receiving, transmission and distribution facilities, together with communication testing facilities, in, under, over, along, across, and upon streets, lanes, avenues, sidewalks, alleys, bridges, and other public places in the Village and subsequent additions thereto, all in accordance with the laws and regulations of the United States of America, the State of New York and the ordinances and regulations of the Village.

(b) The term of this franchise shall be for a period of twelve (12) years from the adoption hereof.

Section 3. The Grantee hereby agrees to construct a CATV system, subject to FCC policy and regulations, capable of providing

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(b) The term of this franchise shall be for a period of

twelve (12) years from the adoption hereof.

Section 3. The Grantee hereby agrees to construct a CATV system,

subject to FCC policy and regulations, capable of providing

at least twelve (12) channels on subscriber receivers throughout the CATV system essentially of the same quality as those received at the antenna site and/or transmitted by the Grantee.

Section 4.

(a) For the privilege of exercising the franchise granted hereby, the Grantee agrees to pay to the Village an amount equal to three percent (3%) of its gross receipts received from its CATV subscribers within the Village corporate limits. The franchise payments herein provided for shall be in lieu of any business or occupation licenses or taxes but shall not be in lieu of ad valorem taxes assessed with respect to real or personal property of the Grantee by the Village. In the event the Grantee shall pay a percentage higher than that set forth hereinabove to any other municipality within the County of Wayne, State of New York during the term of this franchise, the Grantee hereby agrees to pay such higher percentage to the Village.

(b) The amount to be paid to the Village as determined in accordance with this Paragraph 4 shall be paid to the Treasurer of the Village no later than sixty (60) days from the end of the Grantee's fiscal year.

(c) Upon thirty (30) days written notice to the Grantee the Village shall have the right of access, during normal

business hours, to the books and records of the Grantee for the sole purpose of making an independent audit to determine the proper income due the Village.

Section 5. The poles used for the Grantee's CATV system shall be those erected and maintained by the telephone company, the power and light company, and others when and where practical. The Grantee is to make its own arrangements with respect to poles to be used in that it is expressly understood that the Village does not own or have title to any poles usable by the Grantee.

Section 6.

(a) The Grantee's transmission and distribution system, poles, wires and appurtenances shall be located, erected and maintained so as not to endanger or interfere with the lives of persons, or hinder or obstruct unnecessarily the free use of the streets, alleys, bridges or other public property of the Village.

(b) Construction and maintenance of the CATV system, including house connections, shall be in accordance with the provisions of the National Electrical Safety Code, prepared by the National Bureau of Standards, the National Electrical Code of the National Board of Fire Underwriters and such applicable ordinances and regulations of the Village affecting electrical installation which may be presently in effect or may be enacted by said Village.

(c) Installation and house drop hardware shall be uniform throughout the Village, except the Grantee shall be free to change its hardware and installation procedure as improvements therein are developed and except where changes are permitted or required by regulations and ordinances of the Village presently in effect or which may be enacted hereafter.

Section 7.

(a) In the maintenance and operation of its CATV system in the streets, alleys and other public places, and in the course of any new construction or addition to its facilities, the Grantee shall proceed as to cause the least possible inconvenience to the general public; any opening or obstruction in the streets or other public places, made by the Grantee in the course of its operations, shall be guarded and protected at all times by the placement of adequate barriers, fences or boardings, the bounds of which during the period of dusk and darkness shall be clearly designated by red warning lights.

(b) Whenever the Grantee shall take up or disturb any pavement, sidewalk or other improvement of any street, avenue, alley or other public place, the same shall be replaced and the surface restored in as good condition as before entry within forty-eight (48) hours after completion of the Grantee's work. Upon failure of the Grantee to make such restoration within such time,

or to begin such restoration within such time, if the restoration cannot be made within such time, or upon the Grantee's delay of more than twenty-four (24) hours in the continuation of a restoration begun, the Village may serve upon the Grantee notice of the Village's intent to cause the restoration to be made, and, unless the Grantee within twenty-four (24) hours after receipt of such notice begins or resumes the proper restoration to be made, the Village may cause the proper restoration to be made, including the removal of excess dirt, and the expense of same shall be paid by the Grantee upon demand by the Village.

(c) The Grantee shall at all times comply with any and all rules and regulations which the Village has made or may make to apply to the public generally with reference to the removal or replacements of pavements and excavations in streets and other public places, not inconsistent with their use for purposes contemplated by this resolution.

Section 8. The Grantee shall have the right to prescribe reasonable service rules and regulations for the conduct of its business and copies of said service rules and regulations shall be kept on file at all times with the Village Clerk.

Section 9. The CATV system of the Grantee to be hereafter installed shall not be abandoned, either in whole or in part, without

the consent of the Village Board of Trustees. In the event of failure of the Grantee to render CATV service in the Village as contemplated and provided for by this resolution within a period of eighteen (18) months from the effective date hereof, the Village Board of Trustees shall have the right, on reasonable notice to the Grantee, to declare this resolution and the rights and franchise granted hereunder forfeited; provided, however, that failure to comply with this stipulation by reason of cause or causes beyond the reasonable control of the Grantee, which could not be anticipated at the time of the effective date hereof, shall not be sufficient ground to declare a forfeiture.

Section 10.

(a) The Grantee shall indemnify and hold the Village harmless at all times during the term of this grant from and against all claims for injury or damages to persons or property both real and personal caused by the construction, erection, operation or maintenance of any structures, equipment, appliance or products authorized or used pursuant to authority of this resolution.

(b) The Grantee shall, at all times, during the existence of this franchise, carry and require its contractors to carry:

(i) Insurance on such form and in such companies as shall be approved by the Village Attorney of the Village which

approval shall not be unreasonably withheld, to protect the Village and Grantee from and against any and all claims or injury or damages to persons or property, both real and personal, caused by the construction, erection, operation or maintenance of any structure, equipment, appliance, and the amount of such insurance against liability due to damage to property shall not be less than One Hundred Thousand Dollars (\$100,000.00) as to any one person, and Two Hundred Thousand Dollars (\$200,000.00) as to any one accident, and against liability due to injury or death of persons, One Hundred Thousand Dollars (\$100,000.00) as to any one person, and Three Hundred Thousand Dollars (\$300,000.00) as to any one accident.

(ii) Workmen's compensation insurance in compliance with the laws of the State of New York.

(iii) Automobile insurance with limits of not less than One Hundred/Three Hundred Thousand Dollars (\$100/300,000.00) and automobile property damage insurance with a limit of not less than Ten Thousand Dollars (\$10,000.00) to cover all automotive equipment.

(c) The Grantee, upon receipt of due notice in writing from the Village, shall defend at its own expense any action or proceeding against the Village in which it is claimed that the injury or damage arose from the Grantee's activities in the construction

or operation of its CATV system; and in the event of a determination of liability, shall indemnify and hold the Village harmless from any and all liability, claim, demand or judgment growing out of any injury to any person or property as a result of the violation or failure on the part of the Grantee to observe its proper duty or because of negligence in whole or in part arising out of the construction, repair, extension, maintenance or operation of its distribution lines, amplifiers or equipment of any kind or character used in connection with this franchise.

Section 11.

(a) Upon termination or forfeiture of this grant, in accordance with any of its terms, the Grantee shall, within a reasonable time, and upon written consent of the Village, sell or otherwise transfer all its right, title and interest in and to its facilities and equipment or, absent such written consent, remove its poles, cables, wires, appliances and all other equipment from the Village streets, lanes, avenues, sidewalks, alleys, bridges, highways, or other public places and from the premises of Grantee's customers within the Village and subsequent additions thereto.

(b) In the event of failure of the Grantee to perform the obligation of paragraph 11(a), the Village shall have the right to make a written demand on the Grantee to proceed to carry

out the removal of such equipment, and, within sixty (60) days from the date of such demand, to proceed with such removal and to retain all the equipment as the Village's property, without accounting therefor to the Grantee, and the expense of such removal shall be charged to and paid by the Grantee, without credit for the value, if any, of the equipment removed by the Village.

Section 12. If the Grantee shall fail to comply with any of the provisions of this resolution, or default in any of its obligations except for causes beyond its reasonable control, and shall fail, within thirty (30) days after written notice from the Village to correct such default or noncompliance, the Village shall have the right to terminate this resolution and all rights of the Grantee hereunder.

Section 13. For the term of this franchise, the Grantee shall furnish free of charge a service distribution connection to each school located within the corporate limits of the Village, a service distribution connection to the Village Hall and one each to the Fire and Police Department stations within the corporate limits of the Village. Additionally, Grantee may, at its option, provide additional service distribution connections without charge to other municipal buildings upon the request of the Village.

Section 14.

(a) The provisions of this franchise or any right, privilege or license granted hereunder shall be subject to any federal (including the Federal Communications Commission) and state legislation, rules or regulations enacted or adopted or which shall be hereafter enacted or adopted pertaining to the construction, operation and maintenance of closed-circuit television transmission and transmission and distribution systems commonly known as CATV.

(b) If any agency of the Federal Government or the State of New York shall, by law, be given general authority and regulatory control over the Grantee, which authority and regulatory control shall supersede the authority of the Village to issue the rights and privileges granted by the Village to Grantee under this franchise, then all obligations of the Grantee to the Village under this franchise shall likewise cease and be unenforceable at law.

Section 15. This franchise shall be binding upon the parties hereto, their successors and assigns. The franchise shall be assignable upon written consent of the Village which consent shall not be unreasonably withheld, including, but not limited to, the right to the Grantee to assign this franchise for the purpose of providing collateral or security for the construction of the CATV system herein described.

Section 16. The Grantee has duly approved this franchise and the transactions contemplated hereby.

Section 17. This resolution shall not become effective until it is duly passed by the Village Board of Trustees and published as required by law. The Grantee shall pay the Village the cost of publishing this resolution according to law.

Section 18. Any notice, request, instruction or other document to be given hereunder by either party hereto to the other shall be in writing and delivered personally or sent by registered or certified mail which shall be addressed, in the case of the Grantee, to P. O. Box 222, Webster, New York, and in the case of the Village, to the Village Clerk's Office, 144 East Main Street, Palmyra, New York.

Section 19. If any section, subsection, sentence, clause, phrase, or portion of this resolution is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not effect the validity of the remaining portions hereof.

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Section 18. Any notice, request, instruction or other document

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writing and delivered personally or sent by registered or certified mail

which shall be addressed, in the case of the Grantee, to P. O. Box 322,

Webster, New York, and in the case of the Village, to the Village Clerk's

Office, 144 East Main Street, Hamlet, New York.

Section 19. If any section, subsection, sentence, clause, phrase,

or portion of this resolution is for any reason held invalid or unconstitutional

by any Court of competent jurisdiction, such portion shall be deemed a

separate, distinct and independent provision and such holding shall not effect

the validity of the remaining portions hereof.

Applic. R.Sov- Foreign: Former Policeman Richard Sovereign sent a letter to the Village Board applying for a position on the Police Dept. The board felt at this time that they would not honor his request.

N.Y.State Dept.Pub. Works: Trustee Sinclair informed the board that the New York State Department of Public Works, under the supervision of John Jermano and William Schlee, at the request of Assemblyman Joseph Finley by a call to Albany was able to obtain their services in the clean-up of the Village Park caused by the tornado storm.

Contant Bill: Clerk showed a bill of \$49.50 rendered by Contant & Sons for repair of their roof due to damage by Community Center youngsters prior to the removal of the fire escape. Clerk advised to send bill to Vanden Bout Insurance for payment.

N.Y.S.: Elec.& Gas: The New York State Electric & Gas requested permission to install a gas main on E. Main Street with the notation that it would be replaced as before. (Print #G-3176) Permission granted.

Nursing Home: Trustee Sinclair advised that in discussing the phase of changing the ordinance relative to Nursing Homes, (Zoning Ord.) it was the opinion of the committee that 1,000 square feet per patient should be incorporated. The board was in agreement in this and instructed the clerk to so inform the Village Attorney, Henry B. Nesbitt, to so draw up the notice of a public hearing.

Adjourn: The meeting was adjourned at 10:50 P.M. by Mayor Nussbaumer.

Theresa P. Otte, Clerk Treas.

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September 14, 1970

- Regular Board Meeting

Board of Trustees

7:00 P.M.

Present: Mayor David Nussbaumer, and Trustees David McGuire, Donald Leysath, Paul Mierke, and Donald Sinclair.

Vouchers: Motion by Trustee McGuire, 2nd by Trustee Leysath and carried to approve payment of the vouchers as presented.

Dog War-den: Alfred Campbell, Kent Street, Dog Warden for the Town of Palmyra, discussed with the Village Board shooting of dogs by the Palmyra Police Department within the village limits. **Comments:** Warden Campbell advised that dogs running at large after sundown should be kept under control. In addition, he commented, that he was not anxious to pick up dead dogs that had been shot, primarily because it is usually his duty to inform the owner that the dog is dead.

Stop Sign: A. Campbell, Kent Street, also mentioned that he felt it would be apropos to place a Stop Sign from the roadway under the Route #21 bridge which is used by Garlock employees. Kent Street residents find it difficult to enter the highway at times when the Garlock traffic is so heavy.

Blake Duffy: Blake Duffy, 160 Cuyler Street, advised the board that his sewer bill has been increased nearly 40%. The clerk advised **Re: Sew. Bill** that all accounts were reviewed in July at which time, any increases in water consumption for the past four quarters, determined the sewer rate for the ensuing year. Clerk suggested that he talk to the water cashier, Mrs. Kruger, for further explanation.

Tree: B. Duffy further mentioned that a dead tree on the East Jackson side of his property should be removed. He was informed that it was on the list for removal when bids are let. Advised that he had obtained a piece of slate for replacement on

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- Slate Walk:** the Cuyler Street side of his property and would appreciate it if the village crews would so install. Trustee McGuire informed him that this would be done within a reasonable time. (Note: Installation was done 9/21/70 at which time Ray Smith, Public Works Forman gouged his left forefinger with a chisel entailing 4 stitches at the Newark Community Hospital.)
- Narcotic Council:** As a member of the Narcotic Council, B. Duffy wondered when a meeting would be called. The board was informed that Ronald Valentine had been appointed Chairman and was his duty to call a meeting.
- Canal Town Days:** Board noted that announcements of Canal Town Days indicated that alcoholic beverages, namely beer, would be had in the Village Park, although the clerk had previously informed the organizers by letter of the ban of any alcoholic beverage on village property for sale.
- Gripe Session:** Mayor Nussbaumer, and Trustees Mierke and Leysath, were present for the "Gripe Session" on Saturday, September 12th, from 10:00 until Noon at which many citizens came forth to offer compliments as well as criticism. Citizens felt the Village departments did an excellent job in the removal of the debris from the Tornado storm on 8/30/70, but felt there were many trees that should be removed, sidewalks repaired along with requests for a noise ordinance in relation to mini-bikes, noise at the Fiddler's Fair and the Palmyra Union Agricultural Fair after reasonable hours.
- Water Meeting: Tn. Brod.** Trustees Mierke and McGuire met with the Town Board on September 10, 1970 to discuss water proposals. No definite arrangements with the town were formed except that it was the suggestion that full boards of both the Town and Village as well as Attorney H.B. Nesbitt, plan to confer on a night other than a board meeting.
- Fire Contract: Tn. of Pal.** Trustees Leysath and Sinclair mentioned that the contract that the Town of Palmyra arranges with the Village of Palmyra will expire on 12/31/70. The consensus of opinion seemed to be that a contract should run for only 2 years instead of five (5) and the contribution or fee for protection should be raised from \$5,000.00 to \$10,000.00 annually. Board asked the trustees to so inform Attorney H.B. Nesbitt of their wishes in the matter for drawing up such a contract for a two (2) year period.
- Raise Fee to \$10,000. (?)**
- Dump:** Clerk was instructed to send a bill to the Town of Palmyra for \$500.00, as previously outlined to the Town, for 1/2 of the cost of bulldozing the dump area in the Town of Palmyra on Garnsey Road to conform to the restriction and specifications by the New York State Department of Health. (Actual cost was \$1,065.00)
- Dump Con- Tract:** Trustees Leysath and Sinclair informed the board that they would discuss the renewal of a dump contract for the Town of Palmyra on a one year basis. The consensus seemed to be the fee should be raised to either \$8,000.00 or \$10,000.00 per year with a \$2,500.00 closing fee, in the event the State Health Department were to close the operation of the dump. A final figure of \$8,000.00 was agreed upon for inclusion in the contract as an annual charge.
- Cable T.V.:** Village Attorney, H.B. Nesbitt, informed the board that Information Transer had signed the contract for a non-exclusive franchise for cable T.V.
- Sales Tax:** Mayor Nussbaumer informed the board that the meeting which he attended along with other mayors in the county at the Board of Supervisors would not bear any fruit as far as the