

June 24th 1958.

Regular Trustees Meeting, 7.30 P.M.

Trustees Room, Village Hall.

Present: were Pres. Johnson, and Trustees Mierke, Neale, Goodness, and Wilson.

Vouchers: Were presented for audit, which were approved #195-232 Inc. and on motion of Trustees Neale, seconded by Goodness that the above vouchers be approved after audit, from the General Fund \$4677.86 and from the Water Fund \$570.53, motion carried.

Hyde Park

Street Drain: Discussion regarding surface drainage on Hyde Pk. brought out need for a storm sewer on the West Side of Hyde Park, from near top of hill running north to Main. It was agreed that a storm sewer should be installed.

Cuyler

St. Surface: Discussion that an additional coating of tar and stone should be made on Cuyler St. due to bad condition existing since installation of 12" main (water). Mierke to ask Highway foreman to resurface it again.

Carroll St.

Parking: Two taxpayers (Kirchoff and Maynard) came on request of the Board to again discuss regulation on Carroll St. Taxpayers insisted that no parking should be on East side of Street and curb and sidewalk installed to Hansen St.

The Trustees could find little reason for such a plan as it would handicap the operation of the services rendered by the Ford agency that has been established for many years. There appeared to be little compromise or alternate plan which would be suitable to the taxpayers, and Trustees could not see forcing the agency to leave an established business handicapped by impracticable ordinance, in that area.

N.Y. Bldg. Code.

Mr. Camillo of the N.Y. State Building Code Comm. was given a hearing regarding the adoption of the code in Palmyra. He had nothing new to offer, said we could adopt it and not enforce it, or could appoint a building inspector and state would cooperate to teach the rules to him. No action taken.

Darling Civil Service:

Chief Dickinson reported to the Board that he approved the appointment of Officer Robert J. Darling to the force, Darling having been approved by civil service examination by a high mark, and showing signs of being a very good officer.

Speedometer

Police Car: Chief Dickinson reported that the speedometer had been calibrated in Rochester and approved to chasing speeders.

Asst Water

Man: A request for summer help by Water Plant Operator German was discussed and on motion of Trustee Goodness and seconded by Neale, that George Johns be employed for the summer at a rate of \$1.75 per hour, motion carried.

DePauw

Water Bill: A discussion of the merits of meters for water running wild, seemed warranted and the Board authorized the reduction of water bill to \$12.00, based on a careful check of the meter operation over a period of year and recently a 2 week period.

Garlock Letter

Contribution: The Garlock Packing letter of voluntary contribution for the present year above their contract price was received and clerk requested to write letter of appreciation.

Water Main

Delayed: A discussion of the need for installing a new water main on Canandaigua St. this year, for which funds have been accumulated over a period of 3 years, it was agreed that to wait until another year. Maybe everything be cheaper?

June 24 Continued.

Tax Collector-1958:

Motion by Trustees Mierke and seconded by Neale, that Russell H. Fisk, clerk, be appointed tax collector for this tax year, and that a bond be obtained for him covering the position of collector, and he be reimbursed during that period as clerk and collector on a basis of \$5,000.00 per year for the period of time required or pro-rata. Motion was carried by unanimous vote of trustees.

Letter to Mrs. Brokaw:

Clerk was instructed to write Mrs. Brokaw and thank her for the many years of service as collector and regret her need to resign.

Letter to Mrs. Schlegel:

Clerk requested to write Mrs. Norman Schlegel that her application as collector of taxes was received, and thank her for same with appreciation of her recommendations for the position and the desire of the Board to combine with duties of clerk.

Hyde Pk. Sidewalk:

It was reported that sidewalk on Hyde Park at #142 had been broken during grading of building lot, and owner John Rolland be requested to replace same at his expense.

L.B. Carroll Fireman:

An application for the approval of Lewis D. Carroll Jr. for membership in the Sexton Hose Co. was approved on motion of Trustees Wilson and seconded by Goodness, subject to the requirement that he accept fire training classes and become a proficient fireman.

Water Application.

An application for water service in the Canandaigua Water District by Lewis Black, was received and no action taken as the rules of the district belong to the town and not available to the village; referred to Town Supervisor.

Adjourn:

Motion Trustees Goodness and seconded by neale that meeting adjourn 11.05 P.M.

R.H. Fisk, clerk.

NOTICE OF COMPLETION OF ASSESSMENT

Notice is hereby given that the Assessors of the Village of Palmyra, Wayne County, New York, have completed their Assessment Roll for the present year and that a copy of the same has been left with the Village Clerk at the office of the Genesee Valley Union Trust Company in the said village from June 6 to June 20 for examination.

The Board of Assessors will be in the Trustees' Rooms in the Village Hall from 1:00 o'clock until 5:00 o'clock in the afternoon, June 20 to listen to the complaint of any persons considering themselves aggrieved thereat or in regard thereto.

Dated: Palmyra, Wayne County
June 5, 1958

G. Sidney Trumbull
John VanHall
Jacob Dayton

STATE OF NEW YORK,
COUNTY OF WAYNE

ss:

Virginia Seaming

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

notice

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

two

successive weeks, beginning

June 5, 1958

and ending

June 12, 1958.

Virginia Seaming

Sworn before me this

1st

day of

August

19

58

Fees

Helena P. Parsons

Notary Public, Wayne County.

July 1958

The Trustees of the Village of Palmyra
Palmyra, New York

Dear Sirs:

We, the undersigned, all Voluntary Firemen in the Fire Department of the Village of Palmyra, are owners of real property within the Village of Palmyra with our names appearing on the tax roll as such owners.

The tax roll for the year 1957-1958 indicates that we individually were not allowed an exemption of five hundred dollars (\$500.00) on our assessed valuations on the said tax roll whereas each of us is entitled to such an exemption as Voluntary Firemen. We believe the error to be one of inadvertence and not intentional.

It is requested, therefore, that the Board of Trustees of the Village of Palmyra take action under the provisions of Sections 22 and 30 of the Charter of the Village of Palmyra for a correction of the erroneous levy and that so much of the levy as applies to the failure to allow each of us an exemption in the sum of five hundred dollars (\$500.00) be returned to each of us.

Very truly yours,

Ernest H. Smith

Lowell P. Blane

James H. Blane

John H. Blane

July 18 1958

The Trustees of the Village of Palmyra
Palmyra, New York

Dear Sirs:

We, the undersigned, all Volunteer Firemen in the Fire Department of the Village of Palmyra, are owners of real property within the Village of Palmyra with our names appearing on the tax roll as such owners.

The tax roll for the year 1957-1958 indicates that we individually were not allowed an exemption of Five Hundred Dollars (\$500.00) on our assessed valuations on the said tax roll whereas each of us is entitled to such an exemption as Volunteer Firemen. We believe the error to be one of inadvertence and not one of valuation.

It is requested, therefore, that the Board of Trustees of the Village of Palmyra take action under the provisions of Sections 29 and 30 of the Charter of the Village of Palmyra for a correction of the erroneous levy and that so much of the levy as applies to the failure to allow each of us an exemption in the sum of Five Hundred Dollars (\$500.00) be refunded to each of us.

Very truly yours,

Ernest C. Mearns

Louis C. DeGloria

Arthur H. McKeeown

Lester Donald Curran

REPORT OF THE BOARD OF TRUSTEES FOR THE YEAR 1958
JULY 22ND 1958
VILLAGE OF SPRING ST.
VILLAGE OF SPRING ST.
VILLAGE OF SPRING ST.

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Regular meeting Board of Trustees

July 22nd.1958. 7.30 PM.

Trustees Room,Village Hall.

Present: were Pres.A.B.Johnson and Trustees Mierke, Neale and Goodness.

Tool Shed Geo.Hanagan reported that tool shed had been torn Spring St. down at Spring St.Water Dept. in preparation for construction of storage bldg. and laboratory.

Storm Sewer

Hyde Pk. A motion by Mierke and seconded by Goodness that storm sewer be installed on the west side of Hyde Park st. starting at Main St. running 400 ft. South of 8 inch steel pipe and three laterals across Hyde Park with preforated pipe of 6 inch steel pipe to drain water from underneath road. Motion carried.

Vouchers: Nos.#262 to 297 Inc. were audited and approved for payment, on motion of Trustees Neale and seconded by Goodness, from the General Fund \$4,172.04 and from Water Fund \$3735.88. Motion carried.

Firemen A petition was presented by four firemen requesting
Petition a refund on 1958 village taxes which were paid on
Refund. on which taxes no exemption had been allowed by the assessors, inadvertantly.

fire companies, in the amount of five hundred dollars from the village taxes, and

Whereas:

Four members of the village fire companies, namely Everett C.Merritt, Louis DeGloma, Arthur H. McKeown and Lester Donald Curran having inadvertantly not been granted the exemption of five hundred dollars on the tax roll, and:

Whereas:

The said four members of the fire companies having already paid said village taxes for 1958 in the full amount without having been granted the usual exemption, therefor:

BE IT RESOLVED:

That the clerk be empowered and the treasurer ordered to prepare vouchers as a claim for refund in the amount due the said Everett C.Merritt, Louis DeGloma, Arthur H.McKeown and Lester Donald Curran, and pay these firemen the amount of \$4.22 each, due them as a refund.

The above resolution was offered by Trustees Neale and seconded by Goodness who moved its adoption. Pres. Johnson requested a voice vote on the resolution and Trustees Mierke, Neal and Goodness all voted yes, and the resolution was declared adopted.

Firemen A petition was presented by four firemen requesting
Petition a refund on 1958 village taxes which were paid on
Refund. on which taxes no exemption had been allowed by the
 assessors, inadvertantly.

249

RESOLUTION

WHEREAS, Everett C. Merritt of 415 Claremont
Park and Louis C. DeGloma of ,
122 Hyde Park and Arthur H. McKeown of ,
230 W. Main St. and Lester Donald Curran of ,
117 Crescent Drive
all residing within the Village of Palmyra, Wayne County and
State of New York, and all appearing on the tax roll of the
Village of Palmyra, Wayne County and State of New York, as owners
of real property within the Village of Palmyra, Wayne County and
State of New York, have filed a demand with the said Board of
Trustees of the Village of Palmyra for a refund of the Village
of Palmyra general village tax for the year 1958-1959 based upon
the allegation that the aforesaid persons are all members in good
standing of the Fire Department of the Village of Palmyra and as
such members each are entitled to an exemption in the sum of Five
Hundred Dollars (\$500.00) on the assessment rolls as prepared by
the Assessors of the Village of Palmyra for the tax year 1958-
1959, and

WHEREAS, it appears from an examination of the assessment
rolls as prepared by the Assessors of the Village of Palmyra and
filed with the Trustees of the Village of Palmyra that the afore-
said named persons do appear as owners of real estate within the
Village of Palmyra, Wayne County and State of New York, and that
the aforementioned persons are members in good standing of the
Fire Department of the Village of Palmyra as appears from the
records of the Village of Palmyra, and

WHEREAS, an examination of the said tax roll indicates that
the aforementioned persons were not allowed an exemption on the
assessment of the real property appearing in their names on the
tax rolls through inadvertence or other reasons as prepared by

the Assessors of the Village of Palmyra prior to the filling of the said roll with the Trustees of the Village of Palmyra,

NOW, THEREFORE, BE IT RESOLVED, that it is the determina-

tion of the Board of Trustees of the Village of Palmyra that the tax levied upon the real estate of the aforementioned persons is erroneous and illegal in that each of the said persons were not

granted an exemption in the sum of Five Hundred Dollars (\$500.00)

as Volunteer firemen in good standing in the Fire Department of

the Village of Palmyra as the same pertains to the Tax Roll of

the Village of Palmyra as filed with the Board of Trustees of the

Village of Palmyra for the years 1958-1959, and

BE IT FURTHER RESOLVED that the sum of Four Dollars and

Twenty-two Cents (\$4.22) be refunded to each of the above named

persons under the provisions of Sections 29 and 30 of Chapter 194

of the Laws of 1879, with amendments, (Charter of the Village of

Palmyra) upon the presentation by each claimant of a sworn

voucher for said sum.

The above resolution was offered by Trustee Neale and

seconded by Trustee Goodness who moved its adoption. President

Johnson requested a voice vote and Merke, Neal and Goodness

all voted yes, whereupon Pres. Johnson declared the resolution

unanimously adopted.

Board of
Health:
Stafford
St. open
sewer:

President Johnson on motion of Trustees Neale and seconded by Mierke that the Board of Trustees, in the absence of Dr. James Bramer, village health officer, sit as a Board of Health, motion carried.

Trustee Mierke reported that vacant land on Stafford St. north of W.Foster St. was owned by Elizabeth Cleason, and being a low, unfilled lot area, acted as a basin into which a number of property owners had installed tiles leading from cesspools or septic tanks to the basin area and causing a bad condition for surrounding property owners.

On motion of Trustee Mierke and seconded by Goodness, it was moved that Village Attorney Nesbitt notify Mrs. Elizabeth Cleason that the area must be filled at the end of thirty days or village equipment would be used to make the fill and assessed to the property owner. Further it was moved that the village clerk notify all adjoining property owners that the basin would be filled at the end of thirty days and anyone draining into the area should make arrangements for disposal on their own property. Motion carried, and regular business to be resumed.

N.Y. Gas
& Elect.

The request of the N.Y. State Elect & Gas. to install a gas main under the sidewalk on the south side of W. Main St. from Canandaigua to Gates St. was discussed and Atty. Nesbitt rendered an opinion that the village does have the right to approve the application and recommends a written application from the applicant, explaining in detail what is to be done and what replacements the company expect to make to property owners, adjacent to the sidewalk.

Inspection

Water Intakes William Larsen and Mr. Talman, engineers of Rochester N.Y. Canandaigua proposed to the Board of Trustees an underwater inspection of the intake pipes and water main from the shore to the intake pipes by diving but doing no repair work at a flat fee of \$500.00 providing the Board of Trustees would furnish a satisfactory boat to operate from and a man to operate the boat.

Motion of Trustees Goodness, seconded by Mierke, that a contract be awarded to Wm. Larsen Engineers Co. in the amount of \$500.00 to inspect the pipe line and intake screens in the Lake at Canandaigua N.Y. and file a report of their findings to the Board of Trustees, and the Board would further supply the cost of a satisfactory boat and one man to assist in the inspection. Motion carried.

Bi-Partisan

Commission Mr. George Contant Orrie Richards and Jack Lynn, three of the Charter: bi-partisan commission on village charter study, came before the Trustees to file their report of the findings, which is made a part of these minutes.

Special
Ballott:

On motion of Trustees Mierke and seconded by Neale that the report of the Commission be printed in the Palmyra Courier on Sept. 10th. 1958. It was further moved that a special notice of a special election be printed in the Palmyra Courier on Sept. 3rd. 1958, and a public hearing be held on Sept. 19th. at 8.00 PM. at the Canandaigua School on Canandaigua St.. Also that a special election be held on Sept. 23rd. at which time balloting be held on the matter of retaining the Village Charter or changing to N.Y. State Village Law, and at the same time of balloting the subject of Charity Bingo be placed on a ballot for decision of the voters. Motion carried.

Cemetery

Collections. Elmer Brown reports that collections were made in the amount of \$217.50 for services rendered.

Transfer
Funds:

Whereas:

It has been the custom to contract the removal of trees in the village, and the appointment of a tax collector at a stated fee for collection of taxes, and

Whereas:

The village has employed a workman on the payroll for

Board of Trustees Meeting,

July 8th.1958. 7.30 P.M.

Trustees Room,Village Hall.

Present; Were Pres.A.B.Johnson, and Trustees Mierke, Neale, Goodness and Wilson.

Vouchers: Were presented nos.233 to 261 inc. and were audited and on motion of Trustees Wilson, seconded by Goodness that the vouchers be paid and approved, from the General Fund \$5736.33 and from the Water Fund \$1169.22, motion carried.

Clelesta

Clark-Canal Mrs. Celesta Clark entered complaint regarding highway **St.Gravel:** surface water running into her yard. Foreman Hanagan was authorized to haul in two loads of gravel to remedy the condition, the yard being below grade is almost impossible to make permanent correction.

Bids Bldg.

Material: Advertised bids for building materials were opened at 8.07 PM publicly, as follows:

1. Williamson Lumber Co. Williamson N.Y. \$1951.63

2.Arrow Materials Co. Rochester N.Y. no bid-price sheet showing lumber and cement block prices.Complete list of materials as advertised, was not all included.
for

Resolution: Trustees R.Neale offered the following adoption, and Wilson moved its adoption:

Whereas:

Only one legitimate bid has been received for building materials, and

Whereas:

On advice of village attorney, the one and only bid may be accepted by this Board of Trustees, therefore be it:

Resolved:

That the bid of the Williamson Lumber Co. of Williamson N.Y. in the amount of \$1951.63 for materials listed in the advertising, be and hereby is accepted.

Pres.Johnson requested for a voice vote and Mierke voted yes, Neale voted yes, Goodness voted yes, and Wilson voted yes.

Village**Dump:**

In reply to a complaint of the Town of Palmyra regarding papers blowing from dump to other property, Trustee Mierke recommended about 250 ft. chicken wire and wood posts be purchased for installation to prevent recurrence. Motion was seconded by Neal and carried.

Hydrants: A request for five hydrants to replace existing old and leaking hydrants was presented by Goodness, who moved that five hydrants and valves be purchased, which was seconded by Mierke, motion carried.

Water**Meeting:**

Plant Opr.German requesting attendance at American Water Works meeting as has been the custom for years, on motion Trustees Mierke and seconded by Goodness that he be permitted to attend this conference with voucher to be presented for expenses of travel, meals housing etc. which expense may not exceed \$100.00, motion carried.

Bldg.Code.: The question of adopting building code of N.Y.State was brought up again and it was decided there would be little advantage for the small number of buildings erected in the village, most of which are under FHA inspection before the loans for mortgages are consummated.

Civil Serv.

Darling: Upon advise of attorney that Patrolman Darling having been

July 8th-1958 continued.

OSERB

approved after examination by the Wayne County Civil Service Commission as of May 3rd.1958, should be given a provisional appointment for six months and either fully appointed or dismissed at that time.

Motion by Trustee Neale that Robert J.Darling be placed on provisional appointment as of May 3rd.1958, under civil service, was seconded by Wilson, motion carried.

Carroll

St.Park. Kirchoff and Maynard again appeared before Board regarding sidewalks and curbs and no parking on East side of Carroll St. The Trustees offered several ideas of compromise, none of which were acceptable. A petition was presented by them signed by residents of Carroll and Hansen St.s. The Board found no solution at this time to satisfy the complainants and not force the Ford Dealership out of Business.

Sale of

Land-Wilson John Wilson, attorney came before the Board with a request that any land owned by the Village on the north isde of East Main St. between Throop and Kent Sts. his client would like to purchase for construction purposes. He provided map showing approximate map of the area showing area owned. The matter was tabled at this time due to lack of information, and knowledge of land that may be needed for possible sewerage plant.

Water App-

lication. Donand Moore of Maple Ave. sent in request for water service on Maple Ave district, which was approved by motion of Trustees Neale and seconded by Goodness, motion carried.

Justice

Report: Police Justice Lynn reported three cases were handled by his court during June 1958. Fines collected \$10.00.

Adjourn: Motion by Trustee Wilson ,seconded by Goodness that meeting adjourn 11.22 P.M.

R.H.Fisk, clerk.

Clyde N.Y.

Tree Spray: The village clerk of Clyde N.Y. replied to inquiry of their experience with Monroe Tree Surgeons and found that they too were not properly taken care of by spraying of elm trees.

NOTICE TO BIDDERS**NOTICE IS HEREBY GIVEN:**

That Sealed Proposals are sought and requested for the following material to be used in connection with the construction of a building for the Water Department of the Village of Palmyra:

27 yards of cement, 1100 8" x 16" cement blocks, 400 6" x 6" x 16" cement blocks, 2 steel beams 6½" x 12" W.F. 27 lb. per foot 21' long, 1 steel beam 6" x 10" W.F. 21 lb. per foot 18' long with 8" wide plate welded on bottom; 2 steel windows with steel lintels and glass, 60 linear feet 8" coping tile, 32 2" x 8" 12 foot framing lumber, 17 2" x 8" 10 foot framing lumber; 17 2" x 8" 16 foot framing lumber; 10 2" x 6" 12 foot framing lumber; 10 2" x 4" 10 foot framing lumber; 200 linear feet 1" x 3" bridging; 1000 square feet ¾" plywood sheathing; 11 squares salvage edge roofing with cement and nails; 50 lbs. common 8s nails; 20 lbs. common 16s nails; 5 lbs. finished 6s nails; 3 lbs. box 7s nails; 22 linear feet 1" x 10" No. 2 lb. white pine; 22 linear feet 1" x 8" No. 2 lb. white pine; 22 linear feet 1" x 2" No. 2 lb. white pine; 22 linear feet metal drip edge; 2 6" x 6" floor drains; 48 linear feet Orangeberg tile 4" solid; 2 45 degree ells; 2 90 degree ells; 3 2/8" x 6/8" doors and jams and casings with hardware; 2 2/6" x 6/8" doors and jams and casings with hardware; 1 9' x 16' overhead door installed by overhead door company; 320 square feet Homosite ceiling board; 80 linear feet 13/4" cove moulding; 100 linear feet 13/8" lattice moulding; 5 yards of sand; 40 bags mortar cement. The sealed proposals will be re-

STATE OF NEW YORK,
COUNTY OF WAYNE

ss:

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 notice
of which the annexed printed slip is a true copy, was duly published therein once in each week for two successive weeks, beginning June 26, 1958
and ending July 3, 1958.

Sworn before me this 1st
day of August 1958

Helen P. Parsons

Notary Public, Wayne County.

Fees _____

July 15, 1958

Village Board
Village of Palmyra, New York

Re: Charter Study Commission Report

Gentlemen:

On 19 February 1958 we were advised by Mr. Fisk, Clerk of the Board, that a commission had been appointed to study the Village Charter and compare it with the provisions of the State Village Law for the purpose of bringing in a recommendation whether or not the Charter should be surrendered and the village operate under the State Law. In accordance with that assignment, we met on a number of occasions, including one meeting recently with present and former board members and officers of the village. We submit herewith our final report.

In making this study, we used the Village Charter as a guide and compared its provisions with those corresponding provisions in the State Village Law. However, we should point out that no general study of the State Village Law was made nor of other state laws pertaining to operations of villages. We felt that such a broader study was unnecessary in view of the provisions of Section 380 of the Village Law to the effect that where a special charter is silent, the provisions of the State Law shall prevail. Therefore, all we were concerned with were the situations covered by our special charter, since all other circumstances relating to the operation of the village would be governed by the State Law already.

Based on our own studies and the consensus of the hearing, we now unanimously recommend that Palmyra be reincorporated under the New York State Village Law. The attached paper, "Palmyra Village Charter vs. New York State Village Law", outlines some of the facts on which this recommendation is based.

Many of us have a sentimental attachment for our Charter and rightly so. It is a remarkable document and has served our village well. We must recognize, however, that the Charter is not like a constitution, a statement of principles, static and unchanging. Rather, our Charter spells out a number of specific powers pertaining to special conditions, many of which change with the times. We must be realistic and consider the fact that it was drawn up to apply to a mode of life which has passed on with the years. Many of its provisions can not be carried out because they relate to conditions which no longer exist. By the same token, new conditions and problems have arisen in these later years for which the Charter does not provide.

If we were to keep the Charter, we would be faced with numerous continuing problems:

1. Many amendments would be needed to delete out-dated sections, to provide for current modern practices and to clarify and bring the entire document up to date.
2. This would require a thorough legal analysis and study which would be costly in time and money.
3. Securing passage by the Legislature of the many amendments which would be necessary might prove to be very difficult and

perhaps impossible. Furthermore, if a special provision of unique importance to Palmyra were to be placed before the Legislature for approval, it would, quite likely, be rejected on the basis of its very uniqueness and the fear that it would set a precedent and invite pressures for a similar state-wide law.

4. It would still be only a temporary solution as continued study and periodic amending would be necessary, with similar problems to be overcome repeatedly, to keep the Charter up to date in subsequent years.
5. There would be a constant problem of interpretation and correlation with the Village, Local Finance and Election laws.

Under the Village Law, there would be no problem of securing amendments. The law is under continuous study by men with broad experience in village problems and is revised by the Legislature from year to year to meet changing conditions. It is continually being interpreted by the courts on a statewide basis, whereas no provisions of the Charter have ever been adjudicated and a great deal of uncertainty prevails as to the responsibilities of the Trustees and actually of the village itself.

In our studies and consultations with others, we have tried to visualize specific situations in which our Charter might give us some appreciable, practical advantage over the Village Law. No such situation has occurred to us or been suggested by others.

The attached Comparative Analysis of the Provisions of the Charter and the Village Law will give you in more detail our reasons for recommending the Village Law. We feel that this analysis strongly supports our conclusions.

We also attach an "Addenda to Commission Report" which may be of interest to you.

In conclusion, we believe the following remarks made by legislators many years ago when the Village Law was proposed and later revised, emphasize the advantages accruing from operating under the Village Law:

"The great object to be obtained by a general law is to secure the wisdom of the whole state, or at least of all the parts of the state interested in it, for the formation of that law; and to prevent those incongruities which special legislation presents.....The design of state government is to concentrate the experience and wisdom of a greater number of persons for the common benefit, by wise laws. Special legislation defeats this design. Localities for which this legislation is made, do not derive the benefit of the wisdom of the whole legislative body.....Local bills received little attention in the Legislature except from the members directly interested. As a result, opposite and dangerous principles are put into the statute book; and the wholesome and beneficent provisions of any united action on the part of the Legislature for a long period are sometimes lost"

- - - -

"....A special village is made subject to such of its provisions as do not conflict with its Charter. A special village is authorized either to continue under its Charter in connection with the proposed general law, or to abandon its Charter and adopt the provisions

of the new law by reincorporation thereunder. It has been our endeavor throughout to make the provisions of the proposed law so elastic as to permit variations according to local customs and conditions so that by reincorporation all or nearly all villages of the State will eventually have one uniform system of government. The home rule feature of the proposed law, we believe, will encourage this result. We have given to the officers and people of a village subject to its provisions broad power in determining what rights and privileges the village shall exercise and enjoy, so that a village with few wants and necessities, as well as one requiring a more comprehensive and complete form of government, can operate under it. But even if special villages do not reincorporate under its provisions, we think that the new law will tend to obviate the necessity for a large amount of legislation relating to special villages, for the reason that the provisions of the general law, when not in conflict with their special charter, are made applicable to them."

Respectfully submitted,

THE PALMYRA CHARTER STUDY COMMISSION

Geo. Contant, Chairman
James H. Alsdorf Secretary
Orrey E. Richards
John W. Lynn

ADDENDA TO COMMISSION REPORT

In its study, your Commission naturally discussed a number of matters which are related to but not strictly within the scope of its assigned task. Believing that these other matters may be of interest to the Board, we are bringing some of the more significant ones to your attention:

1 - Centralized Administration

It appears desirable to have one full-time employee of the Village in a managerial capacity to supervise all departments of the Village, thus ensuring efficiency and economy in operations, to ensure that the policies of the Board are properly executed and to maintain an office open daily to the citizens of the community.

There is uncertainty and lack of agreement as to whether Section 9 of the Charter allows for the creation of such an office. The State Village Law does provide for it.

It appeared to your Commission that by combining a number of the positions now existing in the Village Government, such as Clerk, Tax Collector, etc., a managerial position could be created with little or no additional expense to the Village and the salary would be adequate for a full-time employee who would be responsible for administering many of the affairs of the Village.

2 - Incorporation As a City

In our discussions with Donald Walsh and Mayor Mallery of the New York State Conference of Mayors on 7 May 1958, we learned that it would be possible to incorporate Palmyra as a city. The community of Sherrill in Oneida County, with a population of less than 1000, is the smallest city incorporated in the state.

As a city, we would be relieved of our share of the cost of maintaining the town roads, but we would have to take over, from the state, the maintenance of Main Street. We do not recommend that a city charter be given consideration at this time.

3 - Transitional Problems - Terms of Office, Fiscal Years, etc.

It appears to your Commission that the transitional problems will not be very significant. The existing office holders would continue to serve out their terms in accordance with the Charter provisions in force when they were elected. There are some suggestions which we discuss below covering the office of Mayor or President. Insofar as fiscal year problems go, it appears to your Commission that the period provided by State Law, viz., running from March 1 to February 28 of each year, would not present any great difficulty since the current fiscal year under the Village Charter runs from April 1 to March 31. It was felt that the budget for the last year of operation under the Village Charter would take care of expenditures through March 31 of the succeeding year, and at that point the State Law could take over with a transitional budget for the first year under the Village Law running from April 1 to February 28 of the succeeding year. Subsequent budgets would then run from March 1 to February 28.

With respect to the office of Mayor (President under the Village Charter), it appeared to your Commission that an informal arrangement for permitting the

existing Board members to serve at least one year as Village Mayor would be desirable. These men have all been elected with the understanding that when they had served four years as Trustee, they would run for office as President in accordance with long-established procedures. When the transition is made to the State Law, the provision for the Village Mayor calls for a two year term. In the natural course of events, this would mean that some of these experienced men would have left the Village Board prior to having an opportunity to serve as Village Mayor. It is therefore suggested that each of these men might be willing to serve one year as Village Mayor and then resign, thus permitting the Trustee whose term expires to run for the unexpired term as Mayor. When that term was served, the next Trustee would be in line for a two year term as Mayor but he, likewise, would resign at the end of one year, thus permitting the last man elected under the old Village Charter to take over as Mayor for one year.

In this manner, those men who were elected under the Village Charter would serve out their terms as they had expected they would and the Village would not be deprived of the experienced services. Furthermore, the office of Village Mayor is one of considerable dignity and it is an honor to hold it. Men who have served four years on the Village Board would seem to be entitled to that honor.

4 - Salaries for President and Trustees

It is the opinion of your Commission that the Trustees should be recompensed financially for the work they perform in behalf of this community. In any case, they certainly should be reimbursed for the expenses they incur while in office. There is no question but what Trustees not only give up a great deal of time, but make expenditures of money they might not otherwise make in the discharge of their functions. It is the recommendation of your Commission that serious consideration be given to establishing a reasonable salary for these officers. Section 86 of the Village Law provides that the Board of Trustees may (but is not required to) set salaries for the Mayor and Trustees in amounts not to exceed, in villages of the second class, \$2500 for the Mayor and \$1200 for the Trustees.

Your Commission does not necessarily recommend the maximum salaries provided by statute, but it does feel that some recompense should be given for the work and expense involved in performing this public service.

5 - Cemetery

It is the opinion of your Commission that the cemetery would, under the Village Law, continue to be the property of the Village and would continue to be operated as it is today. There is nothing that the Commission could find in the provision of Mr. Pliny Sexton's will or in the provisions of the State Law which would in any way effect the Village's present ownership and control over the cemetery.

6 - Membership in New York State Conference of Mayors

From our rather brief meeting with Messrs. Walsh and Mallery, we gained the impression that it would definitely be to the advantage of Palmyra to become a member of the Conference. This group is constantly working with the Legislature for improvements in laws relating to Villages. It is the one organization best suited to represent our interests at Albany. Furthermore, it would afford expert assistance and advice on particular problems involving this village. Our discussion with these gentlemen was a good example of the valuable assistance it could give us.

Attached are pamphlets, descriptive of the organization, and a letter dated 29 May 1958 from Mr. Mallery.

PALMYRA VILLAGE CHARTER VS. N.Y. STATE VILLAGE LAW
Comparative Analysis of Provisions

C = Charter

V = Village Law

Superior:
 C=Charter
 V=Village Law
 N=Neither
 Importance:
 A - B - C
 (A=highest)

Law and
 Charter
 Sections

Provisions

Sale and Purchase of Real Estate

V - B

- 3 C = Referendum required
 V = Trustees can act without referendum

Voting Hours

V - A

- 4 C = Not less than 4 hours between sunrise and sunset
 (indefinite)
 V = Allows voting in evening

Ownership of Real Property by Elective Officers

C - B

- 5 C = Not Required
 V = Required

Assessors

V - A

- 5 C = Three, elected
 V = One, appointed

Vacancies in Elected Offices

V - A

- 5 C = Trustees appoint for full unexpired term
 42 V = Trustees appoint until next election only

Bonding Officers

N

- 5 C = Trustees may require of any officer
 V = Required for specific officers only

Voting - Taxpayers Only

V - B

- 6 C = On "tax, appropriations and sale or acquisition
 of real property"
 41 V = On "propositions"

Voting on Propositions

V - C

- 6 C = Men only - if man or wife is taxpayer
 41 V = Men and women taxpayers

Absentee Balloting

V - C

- 57-A C = No provision
 V = Provided for

Terms of Office

Charter

Village Law

V - A

- 7 President (Elect.) 1 year -
 Mayor - (Elect.) 2 official
 Police Justice (Elect.) 1 year (Elect.) 4 official
 Trustee (Elect.) 4 years (Elect.) 2 official
 Assessor (Elect.) 3 years (Appt.) 1-3 years
 Treasurer (Appt.) 1 year (Appt.) 2 official
 Clerk (Appt.) 1 year (Appt.) 2 official

<u>Law and Charter Sections</u>	<u>Provisions</u>	<u>Superior & Importance</u>
	<u>Inspectors of Election</u>	V - C
8 27	C = Trustees may act V = Appointed	
	<u>Fire Chief</u>	C - B
8	C = Trustees appoint V = Appointed by Fire Council which submits fire budget	
	<u>Power of Appointment</u> subordinate	N - A
9 63	C = Limited to specified executive officers and/employees. V = Sec. 371 - Permits appointment of Boards of Commissioners (fire, water, light, sewer, park, cemetery) or a Municipal Board or Village Manager	
14 (14)	<u>Tearing Down Unsafe Buildings</u>	C - C
14 (21)	<u>Preventing Exhibitions, etc.</u>	C - C
14 (22)	<u>Prevent and Regulate Hawking, Peddling, etc.</u> C = Broad powers to trustees	C - C
	<u>Entering Premises</u>	V - C
16	C = Broad powers to trustees, without any process	
	<u>Cemetery Trust Funds</u>	V - B
22	C = "Shall be invested only upon first mortgage upon real estate, worth, exclusive of buildings, double the amount loaned thereon." <u>Income</u> "shall be apportioned in April each year, ratably to each trust." (Above ignored in practice)	
	<u>Budget - Annual</u>	V - A
23	C = Limited to 1/10 of 1% of assessed valuation (Ignored in practice) V = No similar limit	
	<u>Budget - Extraordinary Expense</u>	V - A
23, 25, 8, 3	C = Requires advertising 4 to 6 weeks before "annual meeting" (Ignored in practice. Never have "annual meeting")	
	<u>Borrowing Limit</u>	V - B
27	C = \$500. (Probably overridden by Local Finance Law, Sec. 177) Village not obligated for money borrowed if no funds in treasury or no taxes authorized for same.	
	<u>Assessments, Correction</u>	V - C
29	C = Trustees may correct up to one year after taxes levied	
L.F. 177	V = Trustees and assessors decide on grievance day	

Law and
Charter
Sections

Provisions

Superior &
Importance

Taxes Reduced or Released

V - C

- 30 C = Trustees have power - for any person "whose age or infirmity and straitened circumstances" entitle him to relief. (Possibly unconstitutional)

Granting Tax Exemption

C - B

- 31 C = On written consent of majority of taxpayers, trustees may, by unanimous vote, grant tax exemption to a manufacturer for up to 5 years.

Village Boundaries

V - C

- 51 C = Permits change by Board of Supervisors on petition of trustees without consent of inhabitants of area to be annexed.
348 V = Requires consent of such inhabitants

Ordinances

C-V-N

- 14 (26) C = Effective upon passage "as to persons having or served at any time with, actual notice thereof"; as to others after publication same as for notice of annual meeting.
90 V = Provides for public hearing after 7 days' notice.

July 22nd. continued.

removal of trees and requested the village clerk to act as tax collector on a salary basis instead of a fee basis, and the funds appropriated in the budget are sufficient but not in the proper category for expenditure under the changes made, therefor:

BE IT RESOLVED:

That the clerk be empowered to transfer the following funds:

From account A 104-400 to account A 104-100, in the amount \$1350.00
and
From account A 47-100 to account A 43-100, in the amount of \$550.00

The above resolution was offered by Trustees Mierke and seconded by Goodness who moved its adoption. President Johnson requested a voice vote and Mierke, Neale and Goodness all voted yes and the president announced the adoption of resolution.

On motion of Neale and seconded by Goodness that
meeting adjourn at 10.20 P.M. Motion carried.

R.H.Fisk, clerk.

USE BY