

July 7, 1977

Local
Law
#7:

Local Law #7 was properly approved. General Code Publishers advised in view of the fact that the enactment of this local law relative to the term of office of the clerk treasurer would expire on 3/31/76, perhaps the board would prefer omitting special pages at additional cost to the village. Board agreed that clerk should inform Code Publishers that suggestion was acceptable.

Woodward
Assoc.
Chg. Ord.
#1:

A letter from Woodward Associates, Webster, New York, relative to the installation of the sewer line and pumping station on East Foster and Howell Street indicated that if change order #1 would be approved, that a credit of \$1,122.50 would be indicated on the amount of the initial installation.

Motion by Trustee Strong, 2nd by Trustee Green and carried, to approve of Change Order #1, and to instruct Mayor Fitzgerald to sign the forms in behalf of the Village of Palmyra. Unanimously approved.

Mormon
Appl. for
Water:

The attached resolution was proposed by Trustee Green, 2nd by Trustee Strong and approved relative to the application by the Church of Latter Day Saints to connect to the raw water line belonging to the Village of Palmyra in the vicinity of Curran Road, Town of Manchester.

Mayor Fitzgerald was authorized to sign the petition in behalf of the church to the State Department of Environmental Conservation for their permission to connect to the line.

Patrol-
man
Appoint:

The following motion was proposed by Trustee McGuire, 2nd by Trustee Green:

WHEREAS, Police Chief Henry has advised that William Kallberg would be available as an employee as patrolman in the Police Department, and,
WHEREAS, Mr. Kallberg has had experience in Police Work, and is listed on the Civil Service List of eligible applicants,

BE IT RESOLVED THAT, William Kallberg shall be appointed Provisional Patrolman at a salary of \$161.00 per week beginning 7/16/75.

Unanimously approved.

July 7, 1975

Adjourn: Mayor Fitzgerald adjourned the meeting at 9:50 P.M.

Theresa P. Otte, Clerk Treas.

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Special Board Meeting

July 14, 1975
Board of Trustees

7:30 P.M.

Present: Mayor Sidney J. Fitzgerald, and Trustees Warner Strong and Lloyd Green. Absent, Trustees David McGuire and Mary Lou Wilson. Present, Village Attorney L. J. Poyzer.

Subject: Sewer rates for Conifer Development. Discussion of charge of \$72.00/yr. for a unit per year -- (93 units). Trustee Strong suggested a property tax credit for instance of 15%. Consensus: no relief at present. Board willing to consider possible negotiations after building is completed. Possibly a tax credit after total assessment has been established. Trustee Green mentioned that perhaps Housing Authority should be making recommendations relative to above.

Adjourn: Mayor Fitzgerald adjourned the meeting at 8:20 P.M.

Theresa P. Otte, Clerk Treas.

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Regular Board Meeting

July 21, 1975
Board of Trustees

7:00 P.M.

Present: Mayor Sidney J. Fitzgerald, and Trustees David McGuire, Warner Strong, Mary Lou Wilson. Absent, Trustee Lloyd A. Green.

2 Min.

Silence: Mayor Fitzgerald opened the meeting with a two minute silence.

Vouchers: Motion by Trustee Strong, 2nd by Trustee McGuire and carried, to authorize the treasurer to pay the vouchers in the amount of \$349,414.70.

Minutes: Motion by Trustee McGuire, 2nd by Trustee Wilson and carried, to accept the minutes of the previous meeting 7/7/75.

Old Erie Canal Cleanup: Bruce Wideman, Zoning Officer, as well as a member of the Canaltown Historic Group which is interested in removing the debris from the Old Erie Canal Towpath from Church Street as far west as possible, in the village limits, commented that in the past two Saturdays, there have been an average of fifteen (15) people who have helped in the cleanup. There is an estimated 2,600 feet to be cleared.

Weeds, Deteriorated Bldg.: B. Wideman advised that he had contacted Mr. Herman, owner of property at 318 Fayette Street, who has indicated that he would cooperate in an attempt to clean up this rented property. In addition, he continued, property owned by Howard Smith, in the rear, nearer Spring Street, formerly used as a storage garage for roofing equipment, etc., is unsafe. Building is falling down, and could be a cause for children getting hurt. Wideman commented that he would like to have Trustee Green go with him to talk to Mr. Smith regarding removing of same.

Urban Renewal: Mayor Fitzgerald received a letter from William Roche, Urban Renewal Director, relative to the Zoning of the Urban Renewal Area to be classified as R-212 District. Director Roche urged the adoption of this in view of the fact that a developer has been selected for erecting housing.

NYS DIV. for Youth: Charles Swan, local representative for the New York Division for Youth, called Mayor Fitzgerald regarding a delinquency program available through the Division for Youth. Mayor Fitzgerald referred the matter to Trustee Wilson, Trustee McGuire, James Campbell, Community Center Director and Police Chief Donald Henry to investigate the subject of a Youth Officer.

July 21, 1975

15

Letter of Thanks: John Richardson, Commander of the American Legion, advised by letter that the celebration on the 4th of July was very successful, thanks to the cooperation of the Police Department, Fire Department, Highway Department, and New York State Department of Transportation.

Water Mains to be Ckd.?: Hiram VanEtten, Operator of the Water Plant, suggested that it would be advantageous to have the water mains checked within the village for possible leaks, which may be undetected at this time. He advised that he has the name of a firm which would charge \$125. per mile plus expenses, meaning motel and meals. (Approximate miles in village, 13.) Board asked Mr. VanEtten to contact the firm for a cost estimate.

Sewer Bomb Survey: Sewer Plant Operator, Hiram VanEtten, advised that there were 32 known plumbing connections which indicated that there could be an unsafe plumbing connection in the home. Mr. VanEtten suggested that a letter be sent to these 32 home owners asking their cooperation by calling him to arrange for his personal inspection. Board agreed this an excellent approach. Letter might stipulate a 30 day period for correction.

Adjourn: Meeting adjourned at 7:50 P.M.

Theresa P. Otte, Clerk Treas.

Change of Venue July 21, 1975 Park & Club Bldg. - 149 E. Main 8:00 P.M.

Present: Mayor Sidney J. Fitzgerald, and Trustees David C. McGuire, Mary Lou Wilson, Warner Strong. Village Attorney, Laura Jane Poyzer. Absent, Trustee Lloyd A. Green.

Citizens: Approximately 8.

Subject: Proposed Local Law #8, relative to banning of alcoholic beverages in Village Parks.

Proof of Publica.: The attached Proof of Publication regarding the proposed Local Law was read by Mayor Fitzgerald. Mayor Fitzgerald read the proposed Local Law #8 in its entirety for the benefit of all.

STATE OF NEW YORK, } ss:
County of Wayne, }

NOTICE OF PUBLIC HEARING
PLEASE TAKE NOTICE THAT, the Board of Trustees of the Village of Palmyra will hold a Public Hearing on July 21, 1975 at 8:00 P.M. E.D.S.T. in the Park & Club Bldg., 149 East Main Street, Palmyra, New York, to consider the adoption of Local Law No. 8 relative to the prohibition of the consumption of any alcoholic beverage in or upon the premises of Main Street Park, Vienna Street Park or Prospect Hill Park.
Said Local Law is on file in the Village Clerk's Office at 144 East Main Street, and may be viewed during office hours, Monday through Friday, from 9:00 A.M. until 5:00 P.M.
Dated: July 8, 1975
BY ORDER OF THE
BOARD OF TRUSTEES
OF THE VILLAGE
OF PALMYRA
Theresa P. Otte, Clerk
Jy. 10 (148)

Gregory L. Kleuder, being duly sworn, deposes and says that he is the foreman of the Canandaigua Messenger, Inc., publisher of the COURIER-JOURNAL, a public newspaper published weekly at Palmyra, N.Y., in the County of Wayne, and that the notice of which the annexed is a true copy, clipped from said newspaper, was regularly published in said Courier-Journal on the following dates:

July 10, 1975

.....

Gregory L. Kleuder
Foreman of the Publisher

Subscribed and sworn to before me

this *10th* day of *July* 19*75*

Dorothy S. Schorn
Notary Public

Fee: \$ *8.27*

DOROTHY S. SCHORN
Notary Public, State of New York
No. 8844260
Commission Expires March 30, 1976

July 21, 1975

G. Contant: George Contant, Cuyler Street, in behalf of the Chamber of Commerce presented a petition with 200 names of merchants, as well as local citizens who indicated their desire for the passage of such a local law.
Mr. Contant commented that he would like to enlarge on the proposed local law to include "No Drinking on Public Streets." He further commented that unless the Police Department cooperates to enforce the local law, it would be meaningless. In summation, he added, he felt sure that Pliny T. Sexton, who gave these beautiful parks for the enjoyment of the villagers and townpeople would smile if such an ordinance were passed.

H. Van Etten: Hiram VanEtten, Spring Street, advised that he had signed the petition, also, in view of the fact that he had seen many instances in the village park and the Main Street Park where it would not be advisable to allow small children to use the park because of trash littered around the parks, even though there are containers placed in the areas for disposing of bottles and cans.

Trustee Strong: Commented that the park was designed especially for the enjoyment of children and because of the litter, carelessly tossed by various individuals, it was not feasible to allow children to play unattended.

Trustee Wilson: Broken glass has posed a problem, causing mothers to forbid children to go to the parks to play.

J. Blazey: John Blazey, Birdsall Parkway, advised that he was for the proposed Local Law.

T. Robbins: Thurlow Robbins, Mill Street, questioned if the present Police force would enforce the Local Law if it is passed.

Mayor: Mayor Fitzgerald replied that he felt that the Police Force would be adequate and could enforce such a Local Law.

Trustee McGuire: Re-affirmed the comment of Mayor Fitzgerald by adding that the department was adequate and could handle the situations as they might arise.

Adjourn: Mayor Fitzgerald closed the public hearing at 8:21 P.M.

Theresa P. Otte, Clerk Treas.

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Regular Board Meeting July 21, 1975 Board of Trustees 8:30 P.M.

Re-Convene: Mayor Fitzgerald re-convened the regular board meeting in the Village Hall.

Present: Mayor Sidney Fitzgerald and Trustees Mary Lou Wilson, Warner Strong, David McGuire and Village Attorney Poyzer. Absent, Trustee Lloyd Green.

Adopt Loc. Law #8: The following resolution was proposed by Trustee Strong, 2nd by Trustee Wilson:

WHEREAS, the Board of Trustees published a Notice of Public Hearing for a proposed Local Law #8, to be known as a Local Law Relating to Alcoholic Beverages in Village Parks, such public hearing to be July 21, 1975, at 8:00 P.M., at 149 East Main Street and,

WHEREAS, few citizens appeared to disagree with such a proposed law, and,

WHEREAS, those citizens who did appear did agree with adoption of such a proposed local law,

BE IT RESOLVED THAT, Local Law #8, relative to the consumption of Alcoholic Beverages in Public Parks, shall be adopted pending submission to the State of New York, State Department of Bureau & Election.

Vote:

Trustee Strong Aye

Trustee Wilson Aye

Mayor Fitzgerald Aye

Trustee McGuire Aye

Trustee Green Absent

Unanimously adopted.

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not use brackets for matter to be eliminated and do not use italics for new matter.

~~COUNTY~~
~~CITY~~ of Palmyra
~~TOWN~~
Village

Local Law No. 8 of the year 19 75

A local law to prohibit alcoholic beverages in or upon public park premises of the Village of Palmyra. (Insert title)

Be it enacted by the Board of Trustees of the (Name of Legislative Body)

~~COUNTY~~
~~CITY~~ of Palmyra as follows:
~~TOWN~~
Village

Section 1. The Code of the Village of Palmyra is hereby amended by adding thereto a new chapter to be Chapter 1A, Alcoholic Beverages, to read as follows:

§ 1A-1. Legislative Intent. It is the intent of the Village of Palmyra as an exercise of its police power to promote the general health, safety and welfare of the residents of the Village by enacting this local law to prohibit the possession or consumption of alcoholic beverages in or upon the park lands owned by the Village of Palmyra,

§ 1A-2. Definitions. For the purpose of this local law, the following terms shall have the meanings indicated in this section. All other words shall have the meaning normally ascribed to them in regular usage.

- a. "alcoholic beverage" shall mean and include alcohol, spirits, liquor, wine, beer, cider and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed by a human being.
- b. "container" shall mean any bottle, can, glass or other receptacle suitable for, or used to hold any liquid.
- c. "Main Street Park" shall mean that parcel of land, owned by the Village of Palmyra and maintained for public park purposes, located on the North Side of Main Street between William Street and Church Street.
- d. "Vienna Street Park" shall mean that parcel of land owned by the Village of Palmyra and maintained for public park purposes, located east of Cemetery Road, south of Vienna Street, west of Crescent Drive and north of the lands now used as a cemetery by the Village of Palmyra.

- e. "Prospect Hill Park" shall mean that parcel of land owned by the Village of Palmyra and maintained for public park purposes, located west of Johnson Street, south and east of Vienna, Prospect, and Fayette Streets, and south of East Foster Street.

§ 1A-3. Prohibition. No person shall consume any alcoholic beverage or have in his possession any open container containing an alcoholic beverage, in or upon the premises of Main Street Park, Vienna Street Park or Prospect Hill Park.

§ 1A-4. Exception. The foregoing prohibition shall not apply in the event of a fair, picnic or other gathering for which special permission has been granted by the Board of Trustees and for which a special written permit has been issued by the Village Clerk, under conditions and subject to rules and regulations which may from time to time be established by the Board. Such permit may allow the consumption of alcoholic beverages in such public places.

§ 1A-5. Penalties. A violation of any provision of this local law shall constitute an offense punishable by a fine of not more than Fifty Dollars (\$50.00) or by imprisonment in jail for ten (10) days, or by both such fine and imprisonment, for the first offense; and by a fine not exceeding two hundred fifty dollars (\$250.00) or by imprisonment for thirty (30) days, or by both such fine and imprisonment, for a second or subsequent violation. A violation of this local law shall constitute disorderly conduct, and any person violating the same shall be declared a disorderly person.

Section 2. Severability. Should any section or provision of this local law be decided by the courts to be unconstitutional or invalid, such decision shall not affect or impair the validity of this local law as a whole or any part thereof other than the particular provision so decided to be unconstitutional or invalid.

Section 3. This local law shall take effect immediately upon filing with the Secretary of State of New York State.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

(Final adoption by local legislative body only.)

1. I hereby certify that the local law annexed hereto, designated as local law No. 8 of 1975.
~~County~~
of the ~~City~~ Palmyra was duly passed by Board of Trustees
~~Town~~ (Name of Legislative Body)
~~Village~~
on July 21 1975 in accordance with the applicable provisions of law.

(Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer or repassage after disapproval.)

2. I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19_____
County
of the City of _____ was duly passed by _____
Town (Name of Legislative Body)
Village
on _____ 19_____ not disapproved
and was approved by the _____
repassed after disapproval Elective Chief Executive Officer
and was deemed duly adopted on _____ 19_____, in accordance with the applicable provisions of law.

(Final adoption by referendum.)

3. I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19_____
County
of the City of _____ was duly passed by the _____
Town (Name of Legislative Body)
Village
on _____ 19_____ not disapproved
and was approved by the _____
repassed after disapproval Elective Chief Executive Officer
on _____ 19_____. Such local law was submitted to the people by reason of a
mandatory referendum and received the affirmative vote of a majority of the qualified electors voting
permissive general
thereon at the special election held on _____ 19_____, in accordance with the appli-
cable provisions of law.

(Subject to permissive referendum and final adoption because no valid petition filed requesting referendum.)

4. I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19_____
County
of the City of _____ was duly passed by the _____ on _____
Town (Name of Legislative Body)
Village
on _____ 19_____ not disapproved
and was approved by the _____ on _____
repassed after disapproval Elective Chief Executive Officer
on _____ 19_____. Such local law being subject to a permissive referendum and no
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on
_____ 19_____, in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or if there be none the chairman of the board of supervisors, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

(City local law concerning Charter revision proposed by petition.)

5. I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the City of..... having been submitted to referendum pursuant to the provisions of ^{§ 36} § 37 of the Municipal Home Rule Law and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the ^{special} general election held on the 19 became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.


Clerk of the Board of Supervisors, City, Town or Village Clerk or Officer
designated by Local Legislative Body

Theresa P. Otte

Date: July 21, 1975

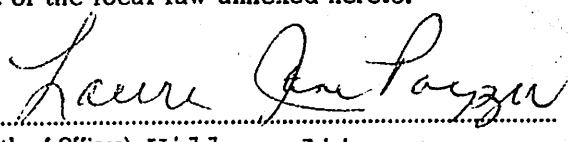
(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK

COUNTY OF Wayne

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.


(Title of Officer) Village Attorney

County

City

Town

Village

Village

of Palmyra

Dated: July 21, 1975

Water to Vill. of Manches- Trustee Strong advised that he would contact or write to Attorney John Tyo, attorney for the Village of Manchester relative to the proposed agreement submitted to the Village of Manchester sometime ago.

Public Rest Rooms: Trustee Wilson commented that it would be well to have rest room facilities available for tourists in the village. She advised that she had investigated the possibility of renting "Johnny on the Spot", which would cost about \$500.00. Rest rooms adjacent to village park have not been used for several years, she commented, because of extensive vandalism in the past. Board suggested that John Blankenberg be contacted to inquire cost of replacing or repairing so that they might be used during the summer months. At present, board suggested that Mormons might use inside facilities, if they, a representative of the church, would be willing to stay inside during the daytime hours to oversee that damage is not inflicted on the facilities.

L. Carroll: Mr. and Mrs. Lewis Carroll, 229 East Foster Street, advised board that they did not feel obligated to pay for the replacement of the sidewalk for two blocks at a cost of \$20.00 which was damaged when the sewer was installed. Unpaid bill of \$20.00 was added to their taxes and treasurer refused to accept their check without payment of the \$20.00.

Trustee Strong commented that Attorney Poyzer had left the meeting and would be out of town for a short time but as soon as possible the matter would be discussed with her.

In the meantime, Mrs. Carroll commented, she did not feel obligated to have to pay an additional late charge over and above the 5% for the month of July.

Resol. to Hold at 5%: The following resolution was made by Trustee McGuire, 2nd by Trustee Strong:

WHEREAS, Lewis Carroll of 229 East Foster Street, was reluctant to pay the added charge of \$20.00 for two sidewalk blocks on his June 1, 1975 tax bill,

BE IT RESOLVED THAT, the Board of Trustees shall charge only the 5% late charge when the matter has been reviewed by Village Attorney Laura Jane Poyzer as to the legality of adding the bill to the taxes.

Vote: Unanimously approved.

Metric Speed Signs: Trustee Strong commented that it would be advantageous for the board to consider obtaining some new Metric Signs.

Fire Dept. Members: On motion by Trustee McGuire, 2nd by Trustee Strong, the following new applicants to be members of the Fire Department were approved on the recommendation of the Board of Fire Commissioners of the Palmyra Fire Department: Timothy T. Couch, Stafford Road; Daniel T. Offer, 129 Vienna St.; and Peter V. Smith, 339 Vienna St.

Resig. N. Ingram Zon. Member: A letter of resignation was received from Mrs. Nancy Ingram, a member of the Zoning Board of Appeals due to the transfer of her husband to another area.

D. Freeman Freezer Locker: Clerk advised to write a letter to Darrell Freeman, who had been low bidder for the demolition of the Freezer Locker, 116 Market Street, to advise that contract agreement was null and void due to his failure to complete demolition within the 30 day period specified.

Adjourn: Mayor Fitzgerald adjourned the meeting at 9:20 P.M.

Theresa P. Otte, Clerk Treas.

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Regular Board Meeting August 4, 1975 Board of Trustees 7:00 P.M.

Present: Mayor Sidney J. Fitzgerald, and Trustees Lloyd A. Green, Mary Lou Wilson. **Absent,** Trustees David McGuire and Warner Strong.

2 Min. Silence: Mayor Fitzgerald opened the meeting with a two minute silence.

August 4, 1975

- Vouchers:** Motion by Trustee Green, 2nd by Trustee Wilson and carried, to authorize the treasurer to pay the vouchers as presented in the amount of \$86,997.95.
- Minutes:** Trustee Wilson advised that the minutes of the previous meeting relative to the public hearing regarding Local Law #8, "Alcoholic Ban in Public Parks", should read that "No citizens appearing to disapprove of Local Law #8, that such local law should be adopted.
On motion by Trustee Wilson, 2nd by Trustee Green, with the above amendment to the previous minutes, July 21, 1975, minutes were accepted as written.
- Sign for Old Erie Canal Clean Up:** Bruce Wideman, Zoning Officer, asked permission of the board to place a suitable sign on Church Street at the entrance to the area of the Old Erie Canal Towpath. Sign would indicate that volunteers could report on Saturdays from 1:00 to 4:00 P.M. to assist in the clean-up of this area.
Motion by Trustee Green, 2nd by Trustee Wilson and carried, to grant request.
- Desired Trees Cut:** Bruce Wideman commented that someone has been in the area cutting down trees at random. He asked if board has granted permission to have trees removed. He commented that some of the trees that are being cut, are ones that would be a part of the landscape for future beauty. Board advised that no one has been given permission to cut trees.
- Divert Water:** B. Wideman also asked if it would be possible to have the highway department gutter the water in the area so that it would be diverted to the Barge Canal. Board agreed that highway department could assist in this endeavor.
- Urb.Ren.:** Mayor Fitzgerald read a letter which he had received from the Planning Board suggesting changes in the zoning of the Urban Renewal Area. Mayor Fitzgerald commented that a previous meeting had been held at which the Planning Board, Zoning Board and Urban Renewal Board had discussed this matter and was of the opinion that by verbal agreement at that time, it would be left as recommended by the Urban Renewal Agency.
- Fiscal Offc. Conference:** Motion was made by Trustee Green, 2nd by Trustee Wilson and carried, as follows:
WHEREAS, funds have been appropriated in the budget for the attendance of the clerk-treasurer at the annual Fiscal School sponsored by the N.Y.S. Dept. of Audit & Control and the Conference of Mayors,
BE IT RESOLVED THAT, the clerk-treasurer may attend the conference beginning September 22, 1975 and ending September 26, 1975 at Grossinger's at the expense of the village.
- Union Meet:** Board members who can arrange to attend the meeting on August 7, 1975 at 7:00 P.M. in the clerk's office to discuss a contract for presentation to the Union are urged to attend. Dr. Charles Gamin, Consultant, whose services were recommended to the board by Village Attorney, Laura Jane Poyzer, will be in attendance to assist the board in negotiations.
- Signs:** Trustee McGuire will be asked to obtain signs to be placed in the three (3) village parks, namely, Main Street Park, Prospect Hill Park, and Vienna Street Park.
- Rubbish Collect.:** General discussion by Mayor Fitzgerald relative to the collection of trash by village crews. He asked: "Should the village go into the rubbish collection?" No response by board members in the affirmative.
Trustee Green commented that village crews are only geared to pick up leaves, trimmings from lawns and trees, with branches up to 4" in diameter. This allows materials to be placed in village chipper. No stones, tin cans, rubbish of any other nature can be placed in chipper.