

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

Subject: Public Hearing relative to an Ordinance to Regulate the Stopping of Motor Vehicles Prior to Entry on Main Arterial Highways in the Village of Palmyra.

Affidavit of Posting: Mayor Nussbaumer advised that Section 90 of the Village Law allows for the posting of a notice in 4 public places of a public hearing in this instance. The attached affidavit of the clerk testifies to this posting.

## AFFIDAVIT OF POSTING

State of New York :  
County of Wayne : ss.  
:

Theresa P. Otte, being duly sworn, deposes and says, that she is over twenty-one years of age; that she resides in the Village of Palmyra, New York; that on the 1st day of December, 1970, she posted copies of the annexed Ordinance in four (4) public places within the Village of Palmyra, New York, which are respectively described as follows:

1. Marine Midland Trust Co. Bulletin Board
2. Town of Palmyra Bulletin Board
3. Village Hall Bulletin Board
4. Knapp Insurance Agency Bulletin Board.

That the above are four (4) of the most conspicuous public places in said Village of Palmyra, Wayne County, New York.

Theresa P. Otte

Sworn to before me this

1st day of December 1970

Ruth A. Barnhart

RUTH A. BARNHART  
Notary Public in the State of New York  
WAYNE COUNTY, N. Y.  
Commission Expires March 30, 1971

Reading of

Prop. Ordin.: Although there were no citizens present to either comment on or object to the ordinance, the mayor read it for the record.

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Board of Trustees of the Village of Palmyra, Wayne County, New York, at the Park and Club Building, 149 East Main Street, in the Village of Palmyra, Wayne County, New York, at 8:00 P. M., Eastern Standard Time, on December 14, 1970, upon the question, of the enactment of the following Ordinance of the Village of Palmyra entitled "An Ordinance Regulating the Stopping of Motor Vehicles Prior to Entry on Main Arterial Highways", to wit:

stop unless otherwise directed by a peace officer or signal.

(b) Canandaigua Street is hereby designated as a main artery of travel and all vehicles approaching said main artery of travel from all streets shall, before entering said main artery of travel, come to a full stop unless otherwise directed by a peace officer or signal.

(c) Cuyler Street is hereby designated as a main artery of travel and all vehicles approaching said main artery of traffic from the following streets, shall before entering said main artery, come to a full stop, unless otherwise directed by a peace officer or signal:

1. East Jackson Street in either direction;
2. Walker Street.

(d) Fayette Street is hereby designated as a main artery of travel and all vehicles approaching said main artery of traffic from the following streets, shall before entering said main artery, come to a full stop, unless otherwise directed by a peace officer or signal:

1. East Jackson Street
2. Prospect Drive
3. Walker Street
4. Spring Street

Section 1. Definitions.

The words and terms used in this ordinance unless otherwise expressly stated, or unless the context or subject matter otherwise requires, shall have the same meaning as defined in the Vehicle and Traffic Law of the State of New York.

Section 2. Stop Streets.

(a) Main Street East and West, being designated State Highway Route No. 31, from the west corporate limit to the east corporate limit of the Village of Palmyra, is hereby designated as a main artery of travel, and all vehicles approaching said main artery of travel from all streets shall, before entering said main artery of travel, come to a full stop unless otherwise directed by a peace officer or signal.

(b) Canandaigua Street is hereby designated as a main artery of travel and all vehicles approaching said main artery of travel from all streets shall, before entering said main artery of travel, come to a full stop unless otherwise directed by a peace officer or signal.

(c) Cuyler Street is hereby designated as a main artery of travel and all vehicles approaching said main artery of traffic from the following streets, shall before entering said main artery, come to a full stop, unless otherwise directed by a peace officer or signal:

1. East Jackson Street in either direction;
2. Walker Street.

(d) Fayette Street is hereby designated as a main artery of travel and all vehicles approaching said main artery of traffic from the following streets, shall before entering said main artery, come to a full stop, unless otherwise directed by a peace officer or signal:

1. East Jackson Street
2. Prospect Drive
3. Walker Street
4. Spring Street

(e) Vienna Street is hereby designated as a main artery of travel and all vehicles approaching said main artery of traffic from the following streets, shall before entering said main artery, come to a full stop, unless otherwise directed by a peace officer or signal:

1. Prospect Drive
2. Johnson Street
3. Throop Street
4. Howell Street
5. Crescent Drive
6. Kent Street
7. Cemetery Road

(f) Canal Street is hereby designated as a main artery of travel and all vehicles approaching said main artery of traffic from the following streets, shall before entering said main artery, come to a full stop, unless otherwise directed by a peace officer or signal:

1. Holmes Street
2. Clinton Street
3. William Street

(g) Park Drive is hereby designated as a main artery of travel and all vehicles approaching said main artery of traffic from the following streets, shall before entering said main artery, come to a full stop, unless otherwise directed by a peace officer or signal:

1. Canal Street
2. Throop Street

(h) Church Street is hereby designated as a main artery of travel and all vehicles approaching said main artery of traffic from the following streets, shall before entering said main artery, come to a

-3-

full stop, unless otherwise directed by a peace officer or signal:

1. Canal Street

(i) West Jackson Street is hereby designated as a main artery of travel and all vehicles approaching said main artery of traffic from the following streets, shall before entering said main artery, come to a full stop, unless otherwise directed by a peace officer or signal:

1. Washington Street
2. Gates Street
3. Birdsall Parkway
4. Tremont Street
5. Stafford Street
6. Aldrich Drive

(j) Stafford Street is hereby designated as a main artery of travel and all vehicles approaching said main artery of traffic from the following streets, shall before entering said main artery, come to a full stop, unless otherwise directed by a peace officer or signal:

1. West Jackson Street
2. West Foster Street
3. Clairmont Street

(k) Market Street and Division Street are hereby designated as a main artery of travel and all vehicles approaching said main artery of traffic from the following streets, shall before entering said main artery come to a full stop, unless otherwise directed by a peace officer or signal:

1. Canal Street

(l) West Foster Street is hereby designated as a main artery of travel and all vehicles approaching said main artery of travel from

Birdsall Parkway shall, before entering West Foster Street, come to a full stop, unless otherwise directed by a peace officer or signal.

(m) Hyde Parkway is hereby designated as a main artery of travel and all vehicles approaching said main artery of traffic from the following streets shall, before entering said main artery, come to a full stop, unless otherwise directed by a peace officer or signal:

1. West Jackson Street

(n) East Foster Street is hereby designated as a main artery of travel and all vehicles approaching said main artery of traffic from the following streets shall, before entering said main artery, come to a full stop, unless otherwise directed by a peace officer or signal:

1. Fayette Street
2. Hathaway Place

(o) Birdsall Parkway is hereby designated as a main artery of travel and all vehicles approaching said main artery of traffic from the following streets shall, before entering said main artery, come to a full stop, unless otherwise directed by a peace officer or signal:

1. Sunset Drive
2. West Charlotte Avenue
3. Brookside Terrace

(p) Walker Street is hereby designated as a main artery of travel and all vehicles approaching said main artery of traffic from the following streets shall, before entering said main artery, come to a full stop, unless otherwise directed by a peace officer or signal:

1. Cuyler Street

(q) Charlotte Avenue East is hereby designated as a main artery of travel and all vehicles approaching said main artery of traffic from the following streets shall, before entering said main artery, come

to a full stop, unless otherwise directed by a peace officer or signal:

1. Hathaway Place

(r) East Jackson Street is hereby designated as a main artery of travel and all vehicles approaching said main artery of travel from Cuyler Street shall, before entering East Jackson Street, come to a full stop, unless otherwise directed by a peace officer or signal.

Section 3. Penalty for Violation.

Any persons violating any of the provisions of this Ordinance shall be punishable for the first offense by a fine not to exceed ten dollars, and for the second offense by a fine of not to exceed twenty-five dollars or by imprisonment for not less than two or more than fifteen days. A third or any subsequent offense within one year shall be punishable by a fine not exceeding one hundred dollars or by imprisonment not exceeding six months or both such fine and imprisonment.

Section 4. Repeal of Prior Ordinances.

All ordinances or parts of ordinances of the Village of Palmyr inconsistent with the provisions of this Ordinance are hereby repealed, provided, however that such repeal shall be only to the extent of such inconsistency and in all other respects this Ordinance shall be in addition to the other ordinance regulating and governing the subject matter covered by this Ordinance.

Section 5. Validity

If any of the provisions in the foregoing Ordinance be decided by any court having jurisdiction to be unconstitutional or invalid, the same shall not effect the validity of the foregoing Ordinance as a whole or any part thereof, other than the part so decided to be unconstitutional or invalid.

Reading  
Prop. O:

(1) PREPARED BY: [illegible]

1. [illegible]

2. [illegible]

QFHV

-6-

Section 6. Effective Date

This Ordinance shall take effect immediately.

Dated: November 23, 1970

BY ORDER OF THE BOARD OF  
TRUSTEES OF THE VILLAGE  
OF PALMYRA, WAYNE COUNTY  
NEW YORK

Theresa P. Otte, Village Clerk



Adjourn: Mayor Nussbaumer adjourned the meeting at 8:15 P.M.

Theresa P. Otte, Clerk Treas.

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SPECIAL BOARD MEETING

December 16, 1970

Board of Trustees

7:30 P.M.

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

Tn. of Supervisor Ellsworth Bedette, Town Attorney, Paul Rubery,  
Pal. Brd.: and Councilmen, Hart B. Pierce, Harry White, Andrew Baran.

Discuss. Mayor Nussbaumer informed the group that the village had  
Dump suggested \$8,000.00 plus a \$2,500.00 closing fee, should the  
Contract: State decree that the dump be closed, for an annual payment  
by the Town of Palmyra as its share of the operating expense  
of the Village Dump on Garnsey Road located in the Town of  
Palmyra and used by both town and village residents.  
Trustee Sinclair discussed the costs to operate the dump --  
S. Gilfus contract fee as caretaker of the dump, village crew,  
plus the fringe benefits of hospitalization, retirement,  
social security, as well as the work done by Everdyke during  
the summer in trenching the dump area. Moreover, Trustee  
Sinclair commented, it is more than likely that a new road  
plus a new fence and further trenching in the spring will be  
necessary to keep the dump sanitary and acceptable to the  
desires of the State Department of Health, now the Con-  
servation Department.  
Trustee Leysath interjected that it could be assumed that a  
figure of \$16,000.00 might be in order to figure for an  
annual cost.  
Councilman Baran, of the Town of Palmyra, queried if the  
village had contemplated contracting the operation of the  
dump out to a specific person or corporation, to which  
Trustee Sinclair replied that this had been a possibility  
prior to the time when the State had OK'd the use of the  
dump following the trenching. Councilman H. B. Pierce  
commented that the Town Board wants to pay its share, not  
whether the work is cheap.  
Trustee Leysath remarked that it was his understanding that  
Garlock, Inc. does not pay anything as an industry for the  
use of the dump and they have a key with daily access.  
Supervisor Bedette advised that the Town Board does not feel  
there is justification for an increase of \$3,000.00 for the  
coming year raising the fee to \$8,000.00.

Attorney Rubery: Attorney Rubery for the Town of Palmyra at this point ex-  
plained that a fee of \$6,000.00 as well as a stipulation  
of a \$2,500.00 closing fee plus a 50% share of any  
capital improvements -- such as fence, grading road, and  
bulldozing, -- might be a suitable agreement. In addition,  
he commented, that it might be practical to consider  
leasing or bidding out the operation of the dump entirely.

Attorney Nesbitt: Attorney Nesbitt suggested that the Town of Palmyra pay  
\$6,000.00 with the stipulation of a \$1,500.00 clause to be  
a maximum amount over the \$6,000.00 for any needed capital  
improvements for a period of one year. In addition a  
\$2,500.00 closing fee would be included. This seemed to  
meet with the approval of all and Attorney Nesbitt was  
informed to draw such a contract.

Fire Contract: Town Board members informed the Village Board that they  
had budgeted only \$6,000.00 for a contract with the Village  
of Palmyra. Furthermore, they continued, in that the  
budget hearing has been held and the budget approved, it  
cannot be increased. The Village Board commented that the  
contract should be drawn for only one year. It would  
behoove the Town Board to consider a larger appropriation  
in the ensuing years and negotiate with the village prior to  
budget time.  
(It is to be noted that a letter was sent by the village  
clerk to the Town of Palmyra on 9/17/70 informing them  
that a contract or budget figure of \$10,000.00 for a 2



year period should be considered with a follow-up on 12/8/70, as they seemed to have overlooked the urgency of promulgating such a contract.)

**Adjourn:** Mayor Nussbaumer adjourned the meeting at 9:30 P.M.

Theresa P. Otte, Clerk Treas.

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**Regular Board Meeting**      **December 21, 1970**  
    **Board of Trustees**      **7:00P.M.**

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

**Vouchers:** Motion by Trustee Leysath, 2nd by Trustee McGuire and carried to approve payment of the vouchers in the amount of \$7,058.72 as presented.

**Ins. for Firemen:** A letter was read by Trustee Leysath from VandenBout Ins. outlining additional coverage for firemen, especially pertinent for those on the Oxygen Squad, which because of the lack of any of their actions or because of their actions, in handling any patient, a patient might decide to bring suit against the department, or oxygen member, this type of insurance would be effective. The cost per year is \$40.00 and would provide professional liability coverage for all village employees as well as the firemen. The following motion was made by Trustee Leysath, 2nd by Trustee Sinclair and carried: -

**Motion to:** **Provide insurance**      **RESOLVED:** That the Village of Palmyra inform VandenBout Insurance Agency that additional coverage to be known as "Professional Dexposure" Insurance at an annual cost of \$40.00 which would cover all village employees as well as members of the fire department, be added to the insurance coverage of the village.

**Propos.: Annex. of Area**      Trustee Sinclair and Trustee Leysath informed the board that they have heard several people who live in the Town of Palmyra, south of West Foster Street between Canandaigua Road and Stafford Road, comment to the effect that they would be interested in annexation to the Village of Palmyra. Trustees Sinclair and Leysath suggested that Attorney Nesbitt draw preliminary annexation papers for a survey of those who might be interested in annexation.

**Claremont : Park**      New York State Electric & Gas requested permission to install a new gas service on Clairmount Park, advising that after the service has been installed, the road surface and lawn areas would be replaced. Motion by Trustee McGuire, 2nd by Trustee Sinclair to grant request.

**Stop Signs:** Attorney Nesbitt commented that prior to adopting the street sign ordinance on which there was a public hearing 12/14/70, it would be his opinion that the board should wait until the State of New York clarifies the maintenance of Canandaigua Street on Route #21 in the Village of Palmyra.

**Snowmobile: Ordinance**      Attorney Nesbitt informed the Village Board that during the last week he had received word from the State Conservation Department advising that any adoption of a Snowmobile Ordinance within a village must also adhere to state regulations which would entail the erection the first of October special snowmobile signs on all village streets where snowmobiles would be allowed and the removal of such signs the first of May. Attorney Nesbitt commented further that he had talked to Assemblyman Joseph Finley regarding the state edict, at which time he mentioned to Assemblyman Finley that he felt the state had really "laid an egg" on this.



December 21, 1970

321

370

Table Snow:  
Ordinance

On motion by Trustee Leysath, 2nd by Trustee McGuire and carried, the board unanimously agreed to table the adoption of the snowmobile ordinance until such time as less stringent sign rules be suggested.

Fire  
Contract:

Attorney Nesbitt informed the board that he had received a fire contract from the Town of Palmyra. However, before presenting to the village board, he wished to have the content checked with Fire Chief O'Brien for his comments.

Fire :  
Phone

Fire Chief O'Brien spoke to the board in connection with the installation of a fire phone in the village offices, one which has been in Maurice Chittenden's barber shop. Due to the discontinuance of a full-time barber shop in this location at 128 East Main Street, it would be his suggestion that this phone might be placed in the village offices. Motion by Trustee McGuire, 2nd by Trustee Leysath to have the phone installed in the village offices.

Fashion  
Show:

The owners of Jo Annette Fabric Shop asked for the use of the Park & Club Room for a fashion show on April 7, 1971. On unanimous approval on the board, she may be so informed.

Adjourn:

Mayor Nussbaumer adjourned the meeting at 8:45 P.M.

Theresa P. Otte, Clerk Treasurer

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December 28, 1970

Special Board Meeting

Board of Trustees

7:00 P.M.

Present:

Mayor David Nussbaumer, and Trustees Donald Sinclair, Donald Leysath, David McGuire. Absent, Trustee Paul Mierke. Village Attorney, Henry B. Nesbitt.

Legal  
Notice:

Mayor Nussbaumer read the Proof of Publication calling for bids for a loader to be purchased by the Village of Palmyra, which bids were to be opened publicly at 7:00 P.M. 12/28/70.

LEGAL NOTICE

PLEASE TAKE NOTICE that pursuant to resolution of the Village Board of the Village of Palmyra, Wayne County, New York, sealed bids for the purchase of a LOADER will be received at the office of the Clerk of the Village of Palmyra at the Village Hall, Main Street, Palmyra, New York, until 7:00 p.m. o'clock, Eastern Standard Time, on the 28th day of December, 1970, at which time they will be publicly opened.

Bids will be submitted in sealed envelopes at the above address and shall bear on the face thereof the name and address of the bidder.

The item to be bid will comply with detailed specifications available to any interested bidder at the office of the Clerk of the Village of Palmyra at the Village Hall, Main Street, Palmyra, New York.

As a part of the contract price to be bid as aforementioned, the bidder will make a dollar allowance on the trade-in of a 1961 Trojan Payloader.

The contract for the purchase of the above item will be awarded by the Village Board of the Village of Palmyra to the lowest responsible bidder. In cases where two or more responsible bidders submit identical bids as to price, the Village Board may award the contract to either of such bidders.

Each bid must be accompanied by a certified check payable to the Village of Palmyra in the amount of five per cent (5%) of the bid price. Such check will be returned to the unsuccessful bidders promptly and to the successful bidder on the execution of the contract of purchase.

No bid received may be withdrawn by any bidder for a period of thirty (30) days from the date of the bid opening. Section 103-d of the General Municipal Law requires a non-collusive certificate attached to the bid signed by the bidder.

The Village Board of the Village of Palmyra reserves the right to accept or reject any or all bids.

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 Dec. 17, 1970

and ending Dec. 17, 1970

Marilyn Culver

Sworn before me this

18

day of

December

1970

HARRY K. WHITE, Notary Public

State of New York, County of Monroe

Qualified in Wayne County

My Commission Expires, March 30, 1971

Harry K. White  
Notary Public, Wayne County.



December 28, 1970

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Bids: Bids were received by the following:

(1)	Dow & C. 3240 Monroe Ave. Rochester, N.Y.	) Hough Model H-60"B" Payloader ) ) Less Trade In Net	\$29,125.00 7,000.00 <u>\$22,125.00</u>
(2)	Ridings-Chafel, Inc. 60 Paul Road Rochester, N.Y.	(2 Bids) John Deere 4 Wheel Rubber Tired Loader Model #644  Less Trade In Net	 \$34,000.00 8,000.00 <u>\$26,000.00</u>
		Model #544  Less Trade In Net	 \$24,000.00 5,250.00 <u>\$18,750.00</u>
(3)	P.D. Service 2577 W. Henrietta Rd. Rochester, N.Y.	Trojan Model #1700  Less Trade In Net	\$29,841.00 8,844.00 <u>\$20,997.00</u>
(4)	Syracuse Supply Co. 35 Manufacturers Blvd. Rochester, N.Y.	Caterpillar Model #920 Wheel Loader  Less Trade In Net	\$26,140.00 5,250.00 <u>\$20,890.00</u>

Bids were turned over to the committee and Village Attorney Nesbitt for review. Bidders were thanked for their bids and will be notified pending the review of the committee.

Adjourn: Mayor Nussbaumer adjourned the meeting at 7:45 P.M.

Norma Kruger, Deputy Clerk Pro Tem

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December 29, 1970

Special Meeting

7:00 P.M.

Present: Mayor David Nussbaumer, Trustees D. Leysath, D. Sinclair, P. Mierke, D. McGuire.  
Motion by D. McGuire: Resolved that present Emergency Oxygen vehicle be signed over to Palmyra Firemen's Association for the prime purpose of being a trade-in on a 1970 Sentinel vehicle with the difference to be paid by the Association. Furthermore, that said 1970 Sentinel vehicle will then be donated back to the Village of Palmyra by the Palmyra Firemen's Association to fulfill the same duties as the Emergency Oxygen vehicle has done heretofore. Motion 2nd by D. Leysath.

Roll Call  
vote: Mayor D. Nussbaumer - Aye  
Trustee P. Mierke - Aye  
Trustee D. McGuire - Aye  
Trustee D. Sinclair - Aye  
Trustee D. Leysath - Aye

Adjourn: Mayor Nussbaumer adjourned the meeting at 7:05 P.M.

D. Nussbaumer, Mayor Pro Tem  
Theresa P. Otte, Treas. Clk.