

June 5th., 1951

The regular meeting of the Village Board of Palmyra, held in the Village Hall, Tuesday, June 5th., at 7: 30 P.M. with the following members present. Mr. Howard S. Mosher, President, Mr. Weldon W. Shepard, Mr. Donald S. Dohse and Mr. George W. Contant, Trustees.

The minutes of the last regular meeting were read for information and the following bills were audited and on motion by Mr. Dohse seconded by Mr. Shepard, same were ordered paid.

## Voucher #

164 Homer N. Pulver	Police Salary & care of meters to 6/1/51	P	\$ 120.00
165 James D. Baxter	Sal to 6/1/51	P	88.00
166 Edwin P. Hoskins	" "	P	96.00
167 Francis S. Toole	Extra Police Sal. through 5/27/51	P	19.80
168 Harold R. Scribner	" " " "	P	19.80
169 Lloyd B. Shove	" " " "	P	19.80
170 Martin Vickery	School Patrolman Salary through 6/1/51	P	32.00
171 William E. German	Salary to 6/1/51	W	100.30
172 Lynn R. Shultz	New Equipment & Labor	PC	375.00
173 Nat'l Fire Ext. Co.	1-Randolph Fire Extinguisher	F	58.00
174 Paul Johnson	Supplies & Labor	G	19.35
		PC	1.50
175 Haverstick & Company	2 Hydrants & Connections	W	279.80
176 Anson B. Johnson	Supplies for Police Dept.	P	8.25
177 McKenney Equip. Co.	Corrugated pipe	H	311.60
178 Haverstick & Company	1 gal. black enamel	H	7.47
179 Haverstick & Company	Supplies for Water Dept.	W	183.19
180 Rose Exterminator	Treatment of Village Dump.	G	50.00
181 Void			
182 Chamberlin Rubber Co.	1 pair boots	W	20.90
183 Leo Spier	Chairman of Assessors Salary	G	175.00
184 Peter J. Tack	Assessors Salary	G	140.00
185 Arthur J. Barnhart	" "	G	140.00
186 Sears Roebuck & Company	Flags	C	36.00
187 National Fire Ext. Co.	Recharge Ext.	F	10.70
188 Karl Lebrecht	2 pair coveralls	P	11.90
189 T.J. Kennedy, City Treas.	P.L. Tax City of Canandaigua	W	25.17
190 B. Bennett Brown Coll.	P.L. Tax Vill. of Shortsville	W	94.56
191 Koppers Company Inc.	Adphalt Premix	H	106.75
192 N.Y.S. Elect. & Gas	Service	C	.95
193 T. Ray McGovern, Compt.	Police Retirement	B	8.95
194 N.Y.C.R.R.Co.	P.L. Crossing Rent	W	36.00
195 Esso Std. Oil Co.	Gasoline	P	5.74
196 Downey Elect.	Labor & Material furnished	G	30.05
197 Maitland Volkomer	Laundry blanket	P	1.00
198 Robert McCall	Spraying Cem. & Water works	C	81.00
		W	27.00
199 Lehigh Valley R.R.Co.	P.L. Crossing Rent	W	14.00
200 N.Y.S. Elect & Gas	Alley & Hwy. Garage	L	5.60
		H	.95
201 Palmyra Hardware	Power Mower & Supplies	H	17.64
		W	1.00
		PC	118.00
202 R.D. Sessions	Cement & Sewer pipe	G	57.60
		H	3.45
		C	13.80
203 Elmer Brown	Cemetery Payroll	C	356.26
			8.20
204 George Hanagan	Highway Payroll	G	46.20
		H	600.45
		PC	20.00
205 J. Francis Lines	Police Justice Fee May, 1951	G	85.00
206 J. Francis Lines	" " " March & April	G	85.00
			<u>\$ 4,174.68</u>

The report of Cemetery collections in amount of 170.80 was ordered received and filed.

The Police Justice reports received from Mr. J.F. Lines, covering the months of March, April & May were ordered received and filed.

A letter from the State Department of Health dated 5/31/51, advised the Board that the Public Health Commission had granted Mr. William E. German an extension of waiver of requirements until May 1952, for grade 11-B water purification plant operators' certificate, pending further training and experience. Until the applicant meets the minimum qualifications for a certificate, he will not be eligible for a permanent appointment.

The water report received from Mr. William E. German was ordered received and filed.

The Police report covering the Month of June was ordered received and filed.

Mr. Dohse moved that Mr. German be authorized to attend the American Water works Association meeting at Lake Champlain this fall, seconded by Mr. Shepard and on motion carried.

Mr. Contant moved that a new police uniform be purchased for Officer Hoskins, new hat & trousers for Officer Pulver and a new hat for Officer Scribner, seconded by Mr. Shepard and on motion carried.

The Clerk was to instruct Mr. Hanagan to clean the alley between Contant Block and Village Hall.

No further business appearing the minutes were read and on motion by Mr. Dohse seconded by Mr. Contant same were approved.

On motion by Mr. Shepard seconded by Mr. Dohse the meeting adjourned at 9:25 P.M.

Wallace J. Beatty  
Clerk

June 19th., 1951

The regular meeting of the Village Board of Palmyra, held in the Village Hall, Tuesday, June 19th., 1951 at 7:30 P.M. with the following members present.

Mr. Howard S. Mosher, President, Mr. Weldon W. Shepard, Mr. Donald A. Dohse, Mr. James R. Webster and Mr. George W. Contant, Trustees.

The minutes of the last regular meeting were read for information. The following bills were audited and on motion by Mr. Contant seconded by Mr. Webster same were ordered paid.

Voucher #					
207	Homer N. Pulver	Sal. to 6/15/51	P	\$	120.00
208	James D. Baxter	" "	P		88.00
209	Edwin P. Hoskins	" "	P		96.00
210	Harold R. Scribner	" through 6/10	P		19.80
211	Francis S. Toole	" " "	P		19.80
212	Lloyd B. Shove	" " 6/9	P		19.80
213	Martin Vickery	" to 6/15/51	P		32.00
214	William E. German	" "	W		100.30
215	A.L. Boynton	" Park Supt. 1st. Qtr.	PC		25.00
216	Hart B. Pierce	" Treas. June	G		42.00
217	Wallace J. Beatty	" Clerk, Water & Cem	G.		95.00
		Cashier & Care of Meter	C		75.00
		Coll. & Tel.	W		162.50
			PM		15.00
218	John Blazey	Supplies	H		10.95
			W		2.45
219	Pal. Courier Co.	Printing & Publishing	G		22.21
			W		3.60
220	U.W. Sherburne Inc.	Prts. & Labor	H		116.51
			P		2.60
221	Haverstick & Company	Parts for Hwy.	H		1.68
222	Helen G. Contant	Court Services	G		5.00
223	Union Trust Co.	Int. on Addition Bonds	W		45.00
224	Grass Cutting Equip. Co.	Repair Parts	C		18.70
225	N.Y.S. Elect & Gas	Service	PC		21.12
			L		535.13
			P		.95
226	Park-O-Meter Co.	First Payment on Meters	PMF		758.33
227	Webaco Oil Co.	1 Drum Kerosene	H		8.14
228	Haverstick & Co.	Parts for Water Dept.	W		35.39
229	Elton L. May	Plants for Cem.	C		113.05
230	N.Y.S. Elect. & Gas	Service	W		24.40
231	Florence F. Griffin	Ext. Tax Roll & extra clerical work.	G		100.00
232	Wayne Coal & Lumber	Supplies	H		17.40
			PC		96.95
233	Niagara Mohawk Power Corp.	P.L. Crossing rent	W		1.00
234	Wm. German	Water Payroll	W		92.40
235	Geo. Hanagan	Hwy payroll	G		44.00
			H		491.35
			PC		20.00
236	Elmer Brown	Cem payroll	C		316.46
237	John Mouton	Care of Fire Trucks	F		7.50
238	James O'Brien	" " "	F		7.50
239	J. Ray McGovern	Police Ret.	B		8.95
240	Coll. Int. Rev.	Withholding Tax	B		171.70
					<u>4,010.62</u>
		Less Withholding tax		\$ 85.70	

The application for water service received from Mr. George Griffin was approved.

The application for membership in the Protective Hook and Ladder Company received from Mr. John Deys was approved. and a copy of approval sent to Chief. Cullip.

Mr. Smith of Prospect Drive, reported that the wall along the creek had caved in and needed repair.

Mr. Webster moved that an Exide Battery Charger be purchased for the Fire Department, seconded by Mr. Shepard and on motion carried.

Mr. Dohse moved that Mr. Howard S. Mosher be authorized to sign

Johnson Street and Maple Avenue Water District's agreements, Seconded by Mr. Contant and on motion carried.

The Clerk was directed to instruct Mr. Hanagan to arrange to keep Main Street, clean and to flush the street in the business district when needed.

No further business appearing the minutes were read and on motion by Mr. Webster, seconded by Mr. Contant, same were approved.

On motion by Mr. Shepard seconded by Mr. Dohse, the meeting adjourned at 9:05 P.M.

Wallace J. Beatty  
Clerk

July 2, 1951

The regular meeting of the Village Board of Palmyra, held in the Village Hall, Monday, July 2, 1951 with the following members present:

Mr. Howard S. Mosher, President  
 Mr. Donald A. Dohse, Trustee  
 Mr. James R. Webster, Trustee  
 Mr. George Contant, Trustee.

The following bills were audited and on motion by Mr. Dohse, seconded by Mr. Webster, same were ordered paid.

Voucher No.					
241	William German	Water Payroll	W	\$	205.55
242	Geo. Hanagan	Highway Payroll	G		44.00
			H		491.35
			PC		28.00
243	Elmer Brown	Cemetery Payroll	C		256.46
244	John J. Lagana	Digging Service	W		30.00
245	Homer N. Pulver	Patrolman Sal. & care of meters 6/15/51-6/29/51	P		120.00
246	James D. Baxter	Police Salary 6/15/51-6/29/51	P		88.00
247	Edwin P. Hoskins	Patrolman Sal 6/15/51-6/29/51	P		96.00
248	Francis S. Toole	Extra Patrolman Sal. 6/15/51-6/29/51	P		19.80
249	Harold R. Scribner	Extra Patrolman Sal. 6/16/51 & 6/24/51	P		19.80
250	Lloyd B. Shove	Extra Patrolman Sal. 6/17/51 & 6/24/51	P		19.80
251	Martin Vickery	School Patrolman Sal. 1 wk.,	P		16.00
252	William German	Sal. 6/15/51-6/29/51	W		100.30
253	John Mouton	Care of Fire Trucks	F		7.50
254	James O'Brien	Care of Fire Trucks 6/15/51-6/29/51	F		7.50
255	Wallace J. Beatty	Custodian of Parking Meter Receipts, P.O.Box Rent	G		11.50
256	Fred E. DeNosky	Covers for meters	PMF		14.00
257	U.W.Sherburne Inc.	Parts & Labor	H		8.98
			P		9.25
258	N.Y.S.Elec. & Gas Corp. Service		G		47.55
			C		.95
259	N.Y.Tel. Co.	Service	G		9.50
			W		3.25
			P-UC		6.75
260	Esso Standard Oil Co.	Gas, Oil, Repairs	W		1.20
			P		5.26
261	Traffic & St. Sign Co.	Street Signs	H		65.94
262	Paul Johnson	Electrical Supplies	G		4.66
263	Palmyra Courier Journal	Printing & Publishing	G		20.61
			P		49.75
264	Haverstick & Co.	Gat Valves & Extentions	W		193.63
265	J. Raymond McGovern	Police Retirement	Bank		8.95
266	Robert McCall	Spraying Elm Trees	H		1500.00
267	Palmyra Chevrolet	Parts & Labor on Water Truck	W		9.33
					<u>\$3521.12</u>

Less Withholding tax \$101.30

The report concerning month of June recieved from Mr. William E. German was ordered received and filed.

The report of Cemetery Collections in the amount of \$90.25 was ordered received and filed.

The request for water service received from Mr. Adams was approved.

No further business appearing, the minutes were read and upon motion by Mr. Webster, seconded by Mr. Contant, same were approved.

On motion by Mr. Dohse, seconded by Mr. Webster, the meeting adjourned at 9:30 p.m.

Respectfully submitted,

Wallace J. Beatty, Village Clerk

July 17, 1951

The regular meeting of the Village Board of Palmyra, held in the Trustees Room of the Village Hall, on Tuesday, July 17, 1951, with the following members present:

Mr. Howard S. Mosher, President  
 Mr. Weldon Shepard, Trustee  
 Mr. Donald Dohse, Trustee  
 Mr. George Contant, Trustee

The following bills were audited and on motion of Mr. Dohse, seconded by Mr. Contant, same were ordered paid.

## Voucher

No.

268	Harold Contant	1 Exide Battery	F	\$	169.95
269	Haverstick & Co.	Extension for Mueller improved hydrant	W		107.53
270	T. Paul Rubery	Hardware & Supplies	G		38.39
271	N.Y.S. Elec. & Gas	Service	P-UC		23.76
272	N.Y.S. Elec. & Gas	Street lights	L		535.13
273	Maxim Motor Co.	Paint	F		1.34
274	Wayne Coal & Lumber	Building material and supplies	W		141.81
			P-UC		3.90
275	N.Y.S. Elec. & Gas	Service -	P		.95
		Police signal light	H		14.50
276	John Blazey	Parts & Labor	C		1.00
			W		40.18
277	Palmyra Hardware Co.	Hdwre. and supplies	W		4.29
			P		1.50
278	Rochester Sanitary Products Co.	Rest Room Supplies	G		20.90
279	N.Y.S. Elec. & Gas	Service	H		.95
			L		5.60
280	Homer N. Pulver	Patrolman Sal. and care of meters			
		6/29/51 - 7/13/51	P		120.00
281	James D. Baxter	Prov. Patrolman Sal.			
		6/29/51 - 7/13/51	P		88.00
282	Edwin P. Hoskins	Prov. Patrolman Sal.			
		6/29/51 - 7/13/51	P		96.00
283	William E. German	Sal. 6/29/51 to 7/13/51	W		100.30
284	James O'Brien	Care of Fire Trucks			
		6/29/51 - 7/13/51	F		7.50
285	John Mouton	Care of Fire Trucks			
		6/29/51 - 7/13/51	F		7.50
286	Wallace J. Beatty	Custodian of Parking Meter receipts	PMF		10.00
287	J. Raymond McGovern	Police retirement	B		8.95
288	Union Trust Company	\$2,000.00 principal			
		6 mo's interest on			
		22M Filter Bonds at 2.60	W		2,286.00
289	N.Y.S. Elec. & Gas	Water Wks. Bldg.			
		5/31/51 - 6/29/51	W		17.88
290	Webaco Oil Co. Inc.	Fuel Oil	P-UC		62.71
291	Elmer Brown	Cemetery Payroll	C		248.46
292	William German	Water Payroll	W		79.20
293	Lloyd B. Shove	Extra Police Sal.			
		6/30/51 & 7/8/51	P		19.80
294	Harold R. Scribner	Extra Patrolman Sal.			
		7/1/51 & 7/7/51	P		19.80
295	Francis S. Toole	Extra Patrolman Sal			
		7/1/51 & 7/8/51	P		19.80
296	George Hanagan	Highway Payroll	G		44.00
			H		390.35
			PC		20.00
					<u>\$ 4,757.93</u>

Less Withholding Tax \$ 84.00

The Clerk was directed to issue an order to George Hanagan to apply dust preventive on sides of Canandaigua Street where needed.

The request for water services by Elmer Cambier was approved, and the Clerk directed to issue an order to William German to install water services at the two lots on Fayette Street owned by Elmer Cambier.

Mr. Shepard moved the adoption of the following resolution, seconded by Mr. Dohse, and, on motion, carried.

Mr. Dohse moved the adoption of the following resolution, seconded by Mr. Contant, and, on motion, carried.

Following Resolution offered by Trustee  
Mr. Shepard, who moved its  
adoption, and seconded by Trustee  
Mr. Dohse, and upon being put to  
a vote was unanimously adopted:

WHEREAS, Wallace J. Beatty, the Clerk of the Village  
of Palmyra, is now ill and confined to the hospital, and it  
is uncertain how long he will be unable to attend to his  
duties as Clerk of the Village of Palmyra; and

WHEREAS, it is necessary that the ordinary and normal  
operations of the Village government function, for which pur-  
pose it is necessary to have someone to act in his place and  
stead,

BE IT RESOLVED that Sherwood W. Mate and Frank O. Newell,  
and Elizabeth Beal,  
each of the Village of Palmyra, Wayne County, New York, be and  
each of them hereby is appointed Deputy Village Clerk, and the  
acts and official papers signed by either of them as such  
Deputy Village Clerk shall be entitled to official recognition  
in the place and stead of Wallace J. Beatty.

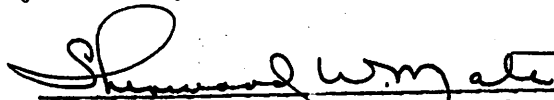
BE IT FURTHER RESOLVED that this resolution shall take  
effect immediately and shall remain in full force and effect  
until terminated by official action of this Village Board.

State of New York     )  
County of Wayne     ) ss:  
Village of Palmyra   )

I, Sherwood W. Mate, Deputy Village Clerk of the Village  
of Palmyra, New York, do certify that I have compared the pre-  
ceding resolution with the original thereof filed or recorded  
in the office of the Village Clerk of the Village of Palmyra,  
Wayne County, New York, on the 17th day of July, 1951, and that  
the same is a true and correct copy of said original and of the  
whole thereof.

In Testimony Whereof, I have hereunto set my hand and seal  
of said Village, this 17th day of July, 1951.

(Seal)

  
Deputy Village Clerk of  
the Village of Palmyra.



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The following information was obtained from the records of the [redacted] Department of the [redacted] Government:

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Following Resolution offered by Trustee  
Mr. Dohse, who moved its  
adoption, and seconded by Trustee  
Mr. Contant, and upon being put  
to a vote was unanimously adopted:

WHEREAS, there has heretofore been filed with the Board of Trustees of this Village a verified petition of the assessors of this Village showing that certain real property has been omitted from the assessment roll of the Village for the current year; and

WHEREAS, Clarence J. Neil, the owner of the property omitted has requested that such action be taken as will put the property on the assessment roll, and he has stated that he waives any notice of such action,

BE IT RESOLVED pursuant to Subdivision 3 of Section 109 of the Village Law, that the taxable property omitted from the assessment roll for the current year, set forth in said petition, be and the property hereinafter specified be and the same hereby is placed upon the assessment roll at the value fixed by the assessors in said petition, to wit:

Property designated 130 Washington Street, and bounded north by Engel, east by Gates, south by Hassler and west by street, and this property is owned by Clarence J. Neil, and the assessed valuation of the land is \$600.00 and the total assessed valuation for the entire premises is \$4000.00.

BE IT FURTHER RESOLVED that a tax be and the same hereby is levied against the said property at the following rate per centum for the current year, to wit: At the rate of \$17.68 per \$1000.00 of assessed valuation.

BE IT FURTHER RESOLVED that one of the deputy clerks be and he hereby is ordered and directed to add the said item of property to the assessment roll for the current year and to



extend opposite such item the amount of the tax hereby levied upon such property at the rate of \$17.68 for each \$1000.00 of assessed valuation.

Notwithstanding

to 20,000,000, less 10,000,000, to give 10,000,000

to be paid out of the amount of the tax on the



TO THE BOARD OF TRUSTEES OF THE VILLAGE OF PALMYRA:

We, the undersigned assessors of the Village of Palmyra, respectfully show:

1. The assessment roll for the current year was heretofore completed and duly filed with the Village Clerk.

2. Certain taxable property situate in said Village of Palmyra has been omitted from the assessment roll for the current year, as follows: Property designated 130 Washington Street, and bounded north by Engel, east by Gates, south by Hassler and west by street, and this property is owned by Clarence J. Neil, and the assessed valuation of the land is \$600.00, and the total assessed valuation for the entire premises is \$4000.00.

3. That no part of said property was or is listed and included in the assessment roll of the Village for the current year.

WHEREFORE, the undersigned pray that the Board of Trustees pursuant to the provisions of the Village Law place the said parcel or property upon the assessment roll of the Village of Palmyra for the current year at the value fixed by us and cause a tax to be placed upon such property at the rate now determined for the current year.

Dated, July 17th, 1951.

Leo C. Spier  
Arthur J. Barrhaugh  
Peter J. Tack  
Assessors.

IN THE BOARD OF TRUSTEES OF THE VILLAGE OF PALM BEACH

WE, the undersigned assessors of the Village of Palm Beach, respectfully show:

1. The assessment roll for the current year was heretofore completed and duly filed with the Village Clerk.

2. Certain taxable property situated in said Village of Palm Beach has been omitted from the assessment roll for the current year, as follows:

Traverse 1300.00, and bounded north by Angel, east by Baker, south by Carter, and west by Daniel, and this property is owned by E. J. Baker, and the assessed valuation of the land is \$100.00, and the total assessed valuation for the entire tract is \$1400.00.

3. There is no part of said property that is taxed and included in the assessment roll of the Village for the current year.

WHEREFORE, the undersigned pray that the Board of Trustees pursuant to the provisions of the Village Law place the said parcel or property upon the assessment roll of the Village of Palm Beach for the current year at the value fixed by us and assess a tax to be levied upon such property at the rate now determined for the current year.

Dated, this 15th day of May, 1931.

Assessors.

State of New York )  
County of Wayne ) ss:  
Village of Palmyra )

The undersigned, assessors of the Village of Palmyra, do severally depose and say that they and each of them have read the foregoing petition and know the contents thereof; that the same is true to the knowledge of the deponents, except as to the matters therein stated to be alleged on information and belief, and that as to those matters they believe it to be true.

Leo C. Spicer

Arthur Barnhart

Peter J. Tack

Sworn to before me this  
17th day of July, 1951.

Frank O. Newell

FRANK O. NEWELL  
Notary Public in the State of New York  
Residing in Wayne County at time of Appointment  
Number 346  
My Commission expires March 30, 1953



State of New York  
County of Albany  
Village of Batavia

"The undersigned, assessors of the Village of Batavia,  
do hereby report and say that they and each of them have  
read the foregoing petition and know the contents thereof;  
that the same is true to the knowledge of the respondents, ex-  
cept as to the matters therein stated to be alleged on the  
information and belief, and that they believe the same to be true.  
I have it to be true.

*John J. Higgins*

*Arthur J. Bannister*

*John J. Bannister*

Given under my hand and seal  
this 1st day of July, 1901.

*Frank O. Turner*

FRANK O. TURNER  
Notary Public in and for  
the County of Albany, New York  
My Commission Expires July 1, 1902

- - - - -  
Petition of Village As-  
sessors to Board of Trus-  
tees for Correction of  
Omission from Assessment  
Roll.

- - - - -  
Dated, July 17, 1951.

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The Village Clerk was directed to report monthly, in the Palmyra Courier Journal, meter collections and fines collected.

The Village Clerk was directed to report water collections for the quarters ending May 31st and August 31st in the Palmyra Courier Journal, about October 1st.

A motion was made by Trustee Dohse and seconded by Trustee Shepard that this Board of Trustees cause to be issued and served on Howard Young, a notice directing him to appear before this Board on July 31st, 1951 at 7:30 P. M., E.D.S.T., at which time this Board will examine into the several complaints made to this Board concerning sanitary conditions at his premises No. 132 Gates St. in the Village of Palmyra.

On motion by Mr. Contant, seconded by Mr. Dohse, and thereupon carried, the payment of 9 hours extra time worked by Patrolman Scribner on May 28th, 1951 was approved.

No further business appearing, the minutes were read and on motion of Mr. Dohse, seconded by Mr. Contant, were approved.

On motion made by Mr. Dohse and seconded by Mr. Contant, the meeting was adjourned.

Respectfully submitted,

Wallace J. Beatty, Village Clerk

By: Elizabeth Beal, Deputy Village Clerk

July 31, 1951

The regular meeting of the Village Board, held in the Village Hall, Tuesday, July 31, 1951 at 7:30 P.M. with the following members present,

Mr. Howard Mosher, Pres.  
Mr. Weldon W. Shepard, Trustee  
Mr. Donald Dohse "  
Mr. James R Webster "  
Mr. George W Contant "

The minutes of the last meeting were read for information.  
The following bills were audited and on motion by Mr. Contant, seconded by Mr. Webster, were ordered paid.

## Voucher #

297	S.L. Knapp	Fire Ins.	W \$	3.79
			PC	33.75
298	Grass Cut. Equip. Co.	New Motor and parts	C	135.90
299	N.Y. State Elec. & Gas	Service	G	43.90
300	John J. Lagana	Ditching & backfilling	H	25.00
301	John Wiley Jones Co.	Chlorine	W	15.38
302	McKenney Equip. Co.	Pipe	H	188.34
303	New York Telephone Co.	Service	G	8.95
			W	3.15
			PG	6.15
304	Liquid Carbonic Corp.	Oxygen	F	2.38
305	Sears, Roebuck & Co.	Spray Compressor & hose	W	71.29
306	Homer Pulver	Pat. salary 7-13/51	P	110.00
		7-31/51		
		Care of parking meters		10.00
307	James D Baxter	Prov. Pat. salary, 7/13/51	P	88.00
		7/31/51		
308	Edwin P Hoskins	Prov. Pat. salary 7/13/51	P	96.00
		7/31/51		
309	Francis S Toole	Extra Pat. salary 7/14, 22	P	19.80
310	Harold Scribner	" " " 5/28-7/14 &	P	29.70
		22		
311	Lloyd B Shove	" " 2 7/15 & 21	P	19.80
312	John Mouton	Care of fire trucks	F	7.50
313	James O'Brien	" # " "	F	7.50
314	Hart B Pierce, Jr.	Treasure's salary July	G	42.00
315	Wallace J Beatty	Clerk's salary, July	G	92.00
		telephone	G	3.00
		Cus. of parking meter	PM	5.00
		funds		
316	William German	Salary, 7/13/27	W	100.30
317	Esso Stan. oil Co	Gasoline	H	26.31
			C	8.33
			W	10.58
			F	2.29
			P	33.85
318	Park-O-Meter Co.	Second Pay'mt on Meters	PM	526.14
319	Al Ernst	Police Uniform & equip.	P	136.00
320	Gordon Morrison	Cus. of parking meter		
		receipts	PM	10.00
321	NYS Elec. & Gas Corp.	Service at Cemetary Office	C	.95
322	U.W. Sherburne & Inc.	Repairs, labor & material	H	1.66
			F	25.00
			P	10.05
323	George Hanagan	Highway payroll	G	46.00
			H	405.55
			Pc	20.00
324	Elmer Brown	Cemetary payroll	C	256.46
325	William German	Water payroll	W	52.80
326	J. Raymond McGovern, Compt.	Police retirement fund	B	8.95
327	Elizabeth Beal	Salary, Deputy Clerk	G	16.00
328	Union Trust Company, Pal Br.	Withholding tax, July	B	267.50

3033.00

Less withholding \$ 82.20

An application was received from Mr. Francis A. Colacino and Mr. Harry E Williamson requesting permission to connect a drain to the Fayette street sewer. Said applicants agreeing in writing to comply with the terms and conditions thereof. On motion by Mr. Dohse, seconded by Mr Shepard, application was approved.

Applications for water service received from Mrs. Margaret De Neef and L. Donald Curran were approved.

The report of tax collections received from Mrs. Gladys Brokaw, tax collector was ordered received and filed.

Mr. Webster moved that the resolution of July 17, 1951 concerning the appointment of certain persons as Deputy Village Clerks be recinded as of July 31, 1951. Seconded by Mr. Shepard and on motion carried.

The Clerk was directed to instruct Mr. Hanagan to install stop signs on the N/S of Canal street, entering Church street and on the East side of Throop street at entrance to Route #21.

Order to Mr. Hanagan to paint doors on Gargge #2 .

Order to Mr. Hanagan to inspect Boy Scout Building on Prospect Hill and make necessary repairs.

The Board having read the Department of Correction Report on Mr. Laverne W. Pitts which showed no criminal record, Mr. Webster moved that Mr. Pitts be appointed temporary proviainall patrolman, seconded by Mr. Shepard and on motion carried.

Order to Mr. Hanagan to contact Mr Leo Cullen in regard to drain.

Mr Dohse moved that Betty Beal be appointed assistant water cashier seconded by Mr. Contant and on motion carried..

Mr. Howard Young visited the Board to discuss damage conditions at his property on Gates Street. He advised the Bo ard that he was not financially able to make repairs or correct the present condition. The matter was to be turned over to Doctor James D. Bramer, health Officer for further action.

Order to Hart B. Pierce, Jr. requesting that he furnish the Board with a complete statement of accounts showing receipts, disbursements and balances in each department every two weeks, beginning August 14th.

No further business appearing the minutes were read and on motion by Mr. Contant, seconded by Mr. Webster same were approved.

On motion by Mr. Shepard seconded by Mr Dohse the meeting adjourned at 10/50 P.M.

Wallace J. Beatty, Clerk

The regular meeting of the Village Board of Palmyra held in the Village Hall, Tuesday August 14th, 1951 at 7:30 P.M. with the following members present: Mr. Howard S. Mosher, President, Mr. Weldon W. Shepard, Mr. Donald A. Dohse, Mr. James R. Webster and Mr. George W. Contant, Trustees.

The minutes of the last regular meeting were read for information. The following bills were audited and on motion by Mr. Contant, seconded by Mr. Dohse, same were ordered paid.

## Voucher#

329	Homer N. Pulver	Sal. to 8/10/51	P	\$ 120.00
330	James D. Baxter	Sal. to 8/10/51-Prov. Patrol.	P	88.00
331	Edwin P. Hoskins	Prov. Patrol. Sal. 8/10/51	P	96.00
332	Francis S. Toole	Extra Prov. Patrol. Sal-7/29 & 8/4	P	19.80
333	Harold R. Scribner	" " " 7/28/51 8/5	P	19.80
334	Lloyd B. Shove	" " " 7/29	P	9.90
335	William German	8/21/51 Water Working Foreman Sal.	W	100.30
336	James O' Brien	Care of Fire Trucks	F	7.50
337	John Mouton	" " "	F	7.50
338	Gordon Morrison	Counting Park. Meter Money	PM	10.00
339	Koppers Co. Inc.	Road Material	H	216.91
340	Beaucage Dept. Store	Supplies	G	4.45
			P	.45
341	Wayne Coal & Lumber Co. Inc.	BL'dg. Supplies & Sewer Pipe	H	5.40
			W	54.48
342	Koppers Co. Inc.	Road Oil	H	1868.13
343	Warren Wilcox	Repairs at P&C BL'dg.	PC	1.00
344	S.L. Knapp	Boiler Ins. Village Hall	G	239.00
345	Heindrick Siebold Co	Office Supplies	P	4.45
346	Traffic & Street Sign Co.	Stop Signs	H	30.35
347	N.Y.S. E&G.	Service	H	.95
			L	5.60
348	Laverne Pitts	Extra Prov. Patrol. Sal. 8/5	P	9.90
349	National Fire Ext. Co.	Refill	F	3.60
350	Elmer Brown	Cemetery Payroll	C	268.46
351	Elizabeth Beal	Clerical Work	G	18.00
352	N.Y.S. E&G	Service	W	16.94
353	William German	Office Supplies & Equip.	W	8.56
354	Koppers Co. Inc.	Road Material	H	26.12
355	Harmon Automotive Corp.	Check Speedometer	P	2.00
356	N.Y.S. E&G	Service	PC	19.04
			L	535.13
357	Haverstick & Co.	Supplies for Water Dept.	W	25.89
358	N.Y.S. E&G	Service	P	.95
359	William German	Water Payroll	W	40.00
360	George Hanagan	Hwy. Payroll	G	44.00
			H	379.55
			PC	36.80
361	J. Raymond McGovern	Police Retirement	B	8.95
				\$ 4349.86

## Tax

\$ 75.50

The Clerk was directed to have fire insurance on Water Works Building increased to \$ 7,000.00

The Clerk was directed to advise Mr S.L. Knapp that coverage on motor and compressor in basement of Village Hall, was to be added to boiler policy.

The request of the New York State Electric & Gas Corp. to install a new eight inch gas main on Throop Street from Vienna Street to Towpath, thence West, along South shoulder of Towpath to existing gas regulator house on R.R. Ave. was approved by the Village Board, and the Clerk was instructed to so inform said Company.

The Clerk was instructed to advise Mr. Hanagan to have a shut-off valve installed on air tank supply line to comply with request of the Hartford Insurance Company's letter of recent date.

The water report received from Mr. William E. German covering the activities of the Department for the Month of July 1951 was ordered received and filed.

The report of Cemetery collections in amount of \$ 121.50 was ordered received and filed.

No further business appearing the minutes were read and on motion by Mr. Contant seconded by Mr. Webster, same were approved.

On motion by Mr. Shepard, seconded by Mr. Dohse the meeting adjourned at 10:45 P.M./

Wallace J. Beatty

Clerk

August 28, 1951

The regular meeting of the Village of Palmyra, held in the Village Hall, Tuesday, August 28, 1951 at 7:30 P. M. with the following members present. Mr. Howard S. Mosher, Pres., Mr. Weldon W. Shepard, Mr. Donald A. Dohse, Mr. James R. Webster and Mr. George W. Contant, trustees. The minutes of the last regular meeting were read for information. The following bills were audited and on motion by Trustee Shepard, seconded by Trustee Dohse, the same were ordered paid.

Voucher #

362 Homer N. Pulver	Salary to 8/24/51	P	\$ 120.00
363 James E. Baxter	" "	P	88.00
364 Edwin P. Hoskins	" "	P	96.00
365 Francis S. Toole	" 8/18/51	P	19.80
366 Harold R. Scribner	" "	P	19.80
367 LaVerne Pitts	" "	P	19.80
368 William German	" 8/24/51	W	100.30
369 Hart B. Pierce, Jr. Treas.	salary August 51	G	42.00
370 Wallace J. Beatty Clerk's	salary and August Tel.	G	95.00
371 Gordon Morrison,	wrapping parking meter funds	PM	10.00
372 James O'Brien,	care of fire trucks	F	7.50
373 John Mounon	" " " "	F	7.50
374 Glass Cutting Equip. Co.	Parts for mower	C	18.50
375 George Schrader,	allowance on new sidewalk	H	37.50
376 S. L. Knapp Fire Insurance		G	151.98
377 A. H. Darnell, Jr.	Fire Insurance	G	151.99
378 Rose Exter. Company	Treating Dump	G	50.00
379 New York tel. Co.	Service	G	6.90
		PC	5.75
380 Elizabeth Beal	Clerical work	W	13.00
381 A. H. Darnell, Jr.	Fire Insurance	W	66.40
382 New York tel. Company	Service	W	4.10
283 Esso Standard Oil Company	Gas, Oil, Kero.	H	115.07
		C	9.80
		W	23.30
		F	29.58
		P	99.22
384 Heinrich, Seibold,	Stationary Office supplies	G	2.00
		W	7.20
385 N.Y. State Elec. and Gas	Service	G	34.80
386 Henry Mitchell	Comp. Insurance, Police car	P	8.00
387 West Publishing Co.	Supplements, police laws	P	10.00
388 William German	Water payroll	W	80.00
389 J. Raymond Mc Govern	Police retirement	B	8.95
389 A. George Hanagan	Highway payroll	B	44.00
		H	401.15
		PC	20.00
390 Elmer Brown	Cemetery payroll	C	256.46
391 Wallace J. Beatty	Boiler Insurance	PC	108.00
392 Union Trust Company	Withholding tax	B	152.10
393 Henry E. Mitchell	Audit on liability ins.	G	62.03
			\$ 2603.48

The application for water service received from Mr. Howard F. Clement of Maple Avenue water district was approved by the Board.

Mr. Webster moved that Mr. Roger Powers be employed to make necessary repairs to Village Hose House so that fire hose may be properly dried, seconded by Mr. Shepard and on motion carried.

Highway and Water Departments to be instructed to save all brass fire hose couplings.

Chief Cullip was authorized to purchase a set of taps and dies for 2½" fire hose coupling.

Mr. Contant moved that 500 ft. of 1½" Bi-Lateral Superlex Best grade treated double jacket Fire hose be purchased at \$1.30 per foot and the same amount and quality of 2½" be purchased at \$1.85 per foot. One 50 foot length of 2½" to be received with above order without charge. Best Quality Brass Couplings to be furnished with above order, seconded by Mr. Webster and on motion carried.



The Clerk was instructed to write to Doctor James D Bramer, requesting that he make another inspection of the Young's property on Gates Street and within five days of this inspection (as required by law), he advise the Village Board by letter of the existing conditions, also stating that in his opinion the condition is a health hazard and that the necessary steps should be taken at once to have same corrected. The Board should also have a copy of any written complaints received by Doctor Bramer.

No further business appearing the minutes were read and on motion by Mr. Contant, seconded by Mr. Dohse, the same were approved.

On motion by Mr. Shepard, seconded by Mr. Dohse the meeting adjourned at 10:45 P.M.

Wallace J. Beatty, Clerk.

Special Meeting of the Board of Health of the Village of Palmyra called by Howard S. Mosher, President, at 5 o'clock P. M., September 4, 1951, at the Justice Court Room, at which all members of the Board of Health were present.

President Mosher stated that this special meeting of the Board of Health was called to take action upon a report submitted by Dr. James D. Bramer, Health Officer, dated August 31, 1951, concerning alleged nuisance on premises designated 132 Gates Street, in the Village of Palmyra, which said premises are reputed to be owned by one Howard Youngs and to be occupied by Emerson Curtis as tenant.

President Mosher read to the Board the report of the Health Officer to which is affixed a copy of the complaint dated April 30, 1951, submitted to the Health Officer by various residents of the Village of Palmyra.

President Mosher directed that the clerk file said report and the copy of the complaint thereto attached.

After due consideration and deliberation of said report, motion was made by Trustee Webster and seconded by Trustee Shepard that notice be given to said Howard Young and to said Emerson Curtis to appear before this Board of Health at 7 o'clock in the afternoon D.S.T., on September 25th, 1951, at the Justice Court Room in the Village Hall, in the Village of Palmyra, N. Y., to show cause why such condition should not be declared a nuisance dangerous to health and an order for its abatement issued, and the President was authorized and directed to issue and sign such notice on behalf of said Board and cause the same to be served upon said Howard Young and Emerson Curtis on or before the 15th day of September, 1951, and the President was further authorized and directed to issue and sign a sub poena for any person or persons upon the request of the Health Officer or Village Attorney, directing said person to appear at such time and place as a witness.

No further business appearing, the minutes were read and on motion by Mr. Webster, seconded by Mr. Contant, same were approved.

On motion by Mr. Shepard, seconded by Mr. Dohse, the meeting adjourned at 5:30 P.M.

Wallace J. Beatty  
Clerk

The regular meeting of the Village Board of Palmyra, held in the Trustees Room of the Village Hall on Friday, September 7, 1951 at 6:30 P. M. with the following members present: Mr. Howard Mosher, President, Mr. Weldon W. Shepard, Mr. Donald Dohse, Mr. George Contant, trustees.

The following bills were audited and on motion of Mr. Dohse, seconded by Mr. Shepard, same were ordered paid.

## Voucher No.

394 Homer N. Pulver	Sal. to 9/7/51	P	\$ 148.60
395 James C. Baxter	" "	P	116.05
396 Edwin P. Hoskins	" "	P	103.30
397 Francis S. Toole	" to 8/25/51	P	15.40
398 Harold R. Scribner	" " 9/2/51	P	29.70
399 La Verne Pitts	" " "	P	36.85
400 Martin Vickery	School Pat. salary 1 week	P	16.00
401 John Manton	Care of fire trucks	F	7.50
402 James O'Brien	" " " "	F	7.50
403 Gordon Morrison	Counting & wrapping meter money	PM	10.00
404 William E. German	Sal. to 9/7/51	W	100.30
405 J. Raymond Mc Govern	Police retirement fund	B	11.28
406 Park-O-Meter Company	3rd. payment on meters	PM	465.36
407 William German	Water payroll	W	82.40
408 R. L. Free	Fire Ins. on Village Hall	G	152.00
409 R. L. Free	" " " " Garage	H	31.62
410 Pal. Courier Co. Inc.	Printing & Supplies	W	1.60
		P	5.30
411 J. F. Lines	Police Justice Fee, June, July and August	G	123.00
412 N. Y. State Elec. Gas	Service	C	.95
413 Rochester Plumbing Supply Co	Inverted Curb Cock and Drain	W	129.32
414 F. John Lawrence, Sheriff	Four Police badges	P	10.67
415 N. Y. State Elec. Gas	Service	L	5.60
		P	.95
416 Young Fire Equip. Corp.	Two Nozzle handles and screws	F	1.15
417 Williamson Law Book Co.	1951 Ass. Roll Books	G	39.33
418 Elmer Brown	Cemetery payroll	C	240.46
419 George Hanagan	Highway payroll	H	260.75
		G	44.00
		PC	120.00
420 Elizabeth Beal	Clerical work	W	19.50
421 N.Y. State Elec. & Gas	Service	H	.95
422		L	553.72
422 B.J. Robertson Company	Heavy duty tubing bender	W	19.87
423 S. L. Knapp	Fire Insurance, contents Village Hall	G	24.00
			<u>2824.98</u>

Less Withholding Tax \$ 82.00

The report received from Mr. Lines, Police Justice, covering months of June, July and August was ordered received and filed.

A letter received from Mrs. Eleanor M. Christ of 421 Vienna Street relative to a bad sidewalk condition caused by tree roots was ordered referred to Mr. George Hanagan for investigation and repair.

No further business appearing, the minutes were read and on motion by Mr. Contant, seconded by Mr. Dohse, same were approved.

On motion by Mr. Shepard and seconded by Mr. Dohse the meeting adjourned at 6:35.

Adjourned meeting of the Board of Health of the Village of Palmyra was held at the Village Hall, on the 25th day of September, 1951, at 7:00 o'clock in the afternoon, D.S.T.

Appearances:

Howard S. Mosher, President  
Weldon Shepard, Trustee  
Donald Dohse, Trustee  
James R. Webster, Trustee  
George W. Contant, Trustee  
Wallace J. Beatty, Village Clerk  
Earl W. Tabor, Village Attorney  
Emerson Curtis, Tenant

Mr. Mosher opened the meeting by stating that the purpose of this adjourned meeting was to act upon an alleged nuisance on premises designated as 132 Gates Street. There being no objection, the Board took a recess until 7:30 and went to the premises at 132 Gates Street accompanied by Mr. Hanagan, the Street Superintendent, and Emerson Curtis, the Tenant.

After recess, testimony was taken from Dr. James D. Bramer, Village Health Officer, Emerson Curtis, Tenant, Pearle Curtis, and near the conclusion of the meeting Howard Young, owner of the premises appeared and stated that he did not blame either the people who had complained of this condition nor the Board of Health for taking steps to remedy it, and the Board granted him two weeks time within which to remedy this situation or report back what steps he had taken to do so.

Meeting was adjourned for two weeks at the Village Board Room at 7:00 P. M.



JAMES D. BRAMER, M. D.

135 CANADAIGUA STREET  
PALMYRA, N. Y.

August 31, 1951

Wallace J. Beatty, Clerk  
Village Board of Palmyra  
Palmyra, New York

Dear Mr. Beatty,

I have just completed another inspection of the Young's property on Gates Street. The condition which exists here is a definite detriment to public health and prompt and necessary steps should be taken to correct same.

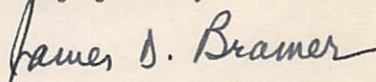
This is a public hazard and nuisance for the following reasons:

- 1-It is a definite breeding place for mosquitoes.
- 2-In the spring of the year and for sometime thereafter the overflow from the septic tank, located in the back yard, seeps over the ground. Small children have been known to play in this area and the possibility is always present of typhoid, polio, and other diseases.
- 3-Also two pits have been dug for better drainage from the septic tank. These constitute a hazard especially for small children, since it is possible for a drowning or a leg to be fractured.

I have had numerous private interviews with Mr. Young about this situation. So far there has been no cooperation in remedying same.

Enclosed is a petition signed by neighbors on Gates Street requesting immediate action.

Sincerely yours,



James D. Bramer, M.D.  
Health Officer

JDB:s

JAMES D. FLAMER, M.D.

122 CANADIAN STREET  
BALTIMORE, M.D.

August 31, 1951

Salience J. Beatty, Clerk  
Public Board of Health  
Baltimore, New York

Dear Mr. Beatty,

I have just completed another inspection of the Young's property on Gates Street. The condition which exists here is a definite detriment to public health and prompt and necessary steps should be taken to correct same.

There is a public health and nuisance for the following reasons:

1-It is a definite breeding place for mosquitoes.

2-In the spring of the year and for sometime thereafter the overflow from the septic tank, located in the back yard, seeps over the ground. Small children have been known to play in this area and the possibility is always present of typhoid, polio, and other diseases.

3-Also two pits have been dug for better drainage from the septic tank. These constitute a hazard especially for small children, since it is possible for a drowning or a leg to be fractured.

I have had numerous private interviews with Mr. Young about this situation. No firm action has been taken in remedying same.

Enclosed is a petition signed by neighbors on Gates Street requesting immediate action.

Sincerely yours,

James D. Flamer, M.D.  
Health Officer

122



NOTICE

To - Howard Young  
Walworth, New York, Owner

Emerson Curtis  
132 Gates Street  
Palmyra, New York, Tenant

YOU WILL PLEASE TAKE NOTICE, that there has heretofore been presented to Dr. James D. Bramer, Health Officer of the Village of Palmyra, a written complaint concerning an alleged nuisance on the premises designated as No. 132 Gates Street, in the Village of Palmyra, New York, and under date of August 31st, 1951, said Health Officer has submitted a report to the Board of Health of the Village of Palmyra, as follows:

"I have just completed another inspection of the Young's property on Gates Street. The condition which exists here is a definite detriment to public health and prompt and necessary steps should be taken to correct same.

This is a public hazard and nuisance for the following reasons:

- 1-It is a definite breeding place for mosquitoes.
- 2-In the spring of the year and for sometime thereafter the overflow from the septic tank, located in the back yard, seeps over the ground. Small children have been known to play in this area and the possibility is always present of typhoid, polio, and other diseases.
- 3-Also two pits have been dug for better drainage from the septic tank. These constitute a hazard especially for small children, since it is possible for a drowning or a leg to be fractured."

AND YOU WILL FURTHER TAKE NOTICE, that you are directed to appear before the Board of Health on September 25, 1951 at 7 o'clock in the afternoon (D.S.T.) at the Justice Court Room in the Village Hall on East Main Street, in the Village of Palmyra, Wayne County, New York, to show cause why such condition should not be declared a nuisance dangerous to health and an order for its abatement issued.

Dated at Palmyra, New York, this 6th day of September, 1951.

*Howard S. Mosher*  
President of Village of Palmyra,  
and Board of Health of the Village  
of Palmyra.



NOTICE

Village of Palmyra  
Board of Health

to

Howard Young, Owner

Emerson Curtis, Tenant

Dated, September 6, 1951

State of New York )  
County of Wayne ) ss:

Homer N. Pulver, of Palmyra, New York, being duly sworn, says he is over twenty-one years of age; that on the 2nd day of September, 1951, at the Village of Palmyra, in said County, he served the foregoing notice on Emerson Curtis, of Palmyra, New York, by delivering to and leaving with him personally a true copy thereof. That deponent personally knew the person so served to be Emerson Curtis, one of the persons named in said notice.

Deponent further says that on the 10th day of September, 1951, at the Village of Palmyra, N. Y., he served the foregoing notice on Howard Young, of Walworth, New York, by delivering to and leaving with him personally a true copy thereof. That deponent personally knew the person so served to be Howard Young, one of the persons named in said notice.

*Homer N. Pulver*

Sworn to before me this  
24<sup>th</sup> day of September, 1951.

*Helen G. Contant*

HELEN G. CONTANT

Notary Public in the State of New York  
Residing in Wayne County at time of Appointment  
Number 154

My commission expires March 30, 1953.



EARL W. TABOR  
ATTORNEY AND COUNSELLOR  
PALMYRA, N.Y.

August 16, 1951

Village Board of Trustees  
Palmyra, New York

Gentlemen:

The question of the so-called nuisance situation on the east side of Gates Street concerning property apparently owned by one Young, has been the subject of numerous questions raised by the Village Board, and I stated to the members of the Board of Trustees on Tuesday evening that I would endeavor to write a memorandum or outline of what appears to be the procedure which must be followed if this situation is going to be corrected by any legal proceedings, assuming of course to begin with that the situation is a nuisance.

Section 20 of the Public Health Law provides there shall continue to be a local Board of Health with a health officer in a village such as Palmyra, and it further provides in villages the Board of Health shall consist of the Board of Trustees of such village. Consequently, the Village Board of this village is likewise the Board of Health. The Local Board of Health appoints a competent physician to be the Health Officer for a term of four years.

The Sanitary Code as established by the Public Health Council of the State of New York has the effect in general of a statute or law enacted by the Legislature. Chapter 8, Regulation 1. of the Sanitary Code reads as follows:

"Regulation 1. ALL COMPLAINTS TO BE INVESTIGATED. The local health officer, upon receiving a complaint of the existence within his jurisdiction of a nuisance which may affect health, or when the probable existence of any such nuisance comes to his attention, shall make or cause to be made by his duly authorized representative an immediate and thorough investigation, and if, in his opinion, such a nuisance exists, he shall take steps to secure its voluntary abatement."

Regulation 2. of the same Chapter reads as follows:

"Regulation 2. HEALTH OFFICER TO FILE REPORT WITH LOCAL BOARD. The health officer, except in municipalities in which a different procedure is prescribed by general or special law, shall also within five days of the receipt of a complaint or of the discovery

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of the probable existence of a nuisance which may affect health, unless the nuisance has in the meantime been abated and the complainant satisfied, file with the local board of health:

- (a) the complaint, if made in writing, or, if not in writing a summary thereof; or, if no complaint has been made, a statement of the facts, and
- (b) a report showing
  - (i) his findings of the facts;
  - (ii) his opinion as to whether or not the condition constitutes a nuisance likely to affect health and whether or not such condition constitutes a violation of any local regulation in the municipality;
  - (iii) the steps, if any, already taken to abate the nuisance;
  - (iv) whether in his opinion the nuisance has been abated."

Regulation 3. of the same Chapter reads as follows:

"Regulation 3. ACTION TO BE TAKEN BY LOCAL BOARD. Within five days of the filing with the local board of health of the report provided for in regulation 2 of this chapter, such local board shall

(a) convene, and examine into the complaint and if it appears that a nuisance dangerous to health exists;

(b) furnish the owner, agent or occupant of the premises on which the condition alleged to constitute a nuisance exists, with a written statement of the condition found; and have duly served upon such owner, agent or occupant, a notice to appear before the board of health at a stated time and place, to show cause why such condition should not be declared a nuisance dangerous to health and an order for its abatement issued, and the prescribed penalty imposed if the condition constitutes a violation of a local health regulation in force in the municipality;

(c) if, after such hearing, it decides that the condition found to exist constitutes a nuisance dangerous to health, issue and enter upon its minutes an order directing the abatement of such nuisance, a copy of which order shall be served upon the owner, agent or occupant of the premises, or posted conspicuously thereon;

(d) impose in addition, if the condition constitutes a violation of a local health regulation in force in the municipality, the prescribed penalty for such violation."

The Charter of the Village of Palmyra, paragraph 20. with reference to nuisances, provides as follows:

"20. To determine upon view, or upon testimony of witnesses, whether any building, slaughter house, pig-sty, stable, privy,



sewer, pool, meat market, structure, substance or thing whatsoever, within said village is a nuisance, and to compel the removal or abatement of same; and if not done within such time as the trustees may allow, they may cause the same to be removed or abated at the expense of the owners or occupants of the premises on or adjacent to which same is situated. But all such determinations shall be by resolution and require the concurring vote of at least four members of the Board."

It is apparent from the above that there must be an investigation by the local health officer of a complaint, and in the first instance he determines whether in his opinion a nuisance exists, and he could hardly determine this question without an investigation.

Next, assuming the health officer determines there is a nuisance, he files a report within five days after the receipt of a complaint, unless the nuisance in the meantime has been abated, with the local board of health. The facts to be covered by his report should follow the general outline or order as set forth in "Regulation 2." above referred to.

The next step is for the Board of Health (Village Board) to convene or meet within five days after receiving said report and to examine into the complaint and it is then up to the Board of Health to decide if in its opinion a nuisance dangerous to health appears, and if the board determines the condition appears to be a nuisance, it furnishes in the situation you have both the owner and occupant with a written statement of the condition found and serves this notice, directing the owner and occupant to appear before the Board of Health to show cause why the condition should not be declared a nuisance dangerous to health, and orders its abatement within a definite time.

At this hearing, you should have proof by witnesses or otherwise as to the facts and give the owner and the occupant a chance to show that the condition is not a nuisance.

Should you determine after this hearing that the condition complained of is a nuisance and it is not abated or corrected within such time as you allow, you may enter on the premises or send your agents or employees for the purpose of suppressing or removing such nuisance. The expense of the removal or suppression of the nuisance can be charged against the person responsible for or who created the condition, and the only way to attempt to collect it is to bring an action.

In the event the Board of Health determines a question of this nature without giving the owner or occupant of the property an opportunity to be heard before reaching its determination,



the owner or occupant can contest the issue either when you attempt to recover damages or when you attempt to endorce the order which is made for the suppression of the nuisance. The courts have held that where a Board of Health acts without having given this notice and the parties an opportunity to present their defense, if any, the Board acts at its peril in making its determination and proceeding to abate the nuisance. In other words, if it should be determined by a court of competent jurisdiction that in fact there was no nuisance, the Board and the members thereof would be liable to the owner and occupant.

The Village could also bring an action in Supreme Court for an injunction to suppress this nuisance, but this would undoubtedly mean a delay of several months before you could get a final decision.

I have attempted to outline the situation which you have in more detail than may be necessary since there appears to be a misunderstanding of what the Health Officer and the Board of Health can legally do to remedy this situation.

Very truly yours

*Earl W. Tabor*

Earl W. Tabor

EWT:HGC



Copy of petition

JAMES D. BRAMER, M. D.

135 CANADAIGUA STREET

PALMYRA, N. Y.

April 30, 1951

Dr. James Bramer:

We, the undersigned, earnestly desire that immediate steps be taken to correct the unsanitary condition caused by two open toilet drains located on the property owned by the estate of the late Mrs. Young.

Ernest Drews  
Marjorie Drews  
M. J. DeBrown  
Wilda S. DeBrown  
E. G. Poyzer  
Mrs. E. G. Poyzer  
Marie Trotter  
Roy Nussbaumer  
Mary Nussbaumer  
Mrs John Holtz  
C. Marshall  
Teresa Marshall  
Mrs. Orin Faas  
Mrs Charles Nussbaumer  
Mrs. F. A. Shoales

JAMES D. BRAMER, M. D.  
122 CANADIAN STREET  
PALMYRA, N. Y.

April 30, 1951

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Roy Wuehler  
Mary Wuehler  
Mrs. John Holtz  
C. Marshall  
Terese Marshall  
Mrs. Orin Foss  
Mrs. Charles Wuehler  
Mrs. F. A. Scholes