

SPECIAL TOWN BOARD MEETING

March 20th, 1942

Town Clerk's Office

7:00 P. M.

Present: Dr. Gilchrest
A. C. Goebel
John Dickenman
Roswell P. Blauvelt

Absent: Mr. Eberling

Mr. Blauvelt called the meeting to order, and said that the Board was now ready to go into session with the residents of West Nyack regarding the West Nyack Lighting District. He told them that the question seems to be how are we going to reduce the rate. The only answer is to reduce the candle-power from the present amount of 400 which costs about \$59.00 per year. He said that if regular or standard lights were put in, the cost would average about \$23.00 per light per year. He then added that the Board would like to know whether they want all small lights, or whether they would like to have a few of the large lights put in at the dark spots.

Mr. Brandenburg then spoke and informed the Board that he considered the rate of \$2.25 illegal, and that the taxpayers are not going to pay it. He further added that Mr. Jacobsen had told the people that the rate would be 22¢ per hundred. He said they had never requested the large lights and asked why if the Board could get the cheaper lights in the beginning, they contracted for the \$59.00 lights. He told the Board that if something could not be done about the rate of \$2.25 that the people would petition to have the district abolished.

Mr. Goebel then told Mr. Brandenburg that Mr. Jacobsen was a representative of the West Nyack people, and that he informed the Board the people wanted the lights. He further added that the Board had never appointed Mr. Jacobsen as a committee for this lighting district.

Mr. Brandenburg said the people never requested the large lights, and that they understood from Mr. Jacobsen the rate would be 22¢ per hundred.

Mr. Blauvelt then said that Mr. Jacobsen acted as a resident of West Nyack when he presented the petition to the Board.

Mr. Brandenburg pointed out that he had no right to present such a petition, as he does not live in the district.

Mr. Blauvelt then informed Mr. Brandenburg that the charge is a legal one against the Lighting District, and must be paid. He pointed out that if smaller lights were put in at the present time, there would be a small balance, possibly enough to pay for the cost another year. According to assessed valuation, the charge for the regular standard light would bring the light tax to approximately 32/ per \$100.00 per year.

Mr. Brandenburg said he wanted to save part of the \$45.00 he is now required to pay. He further added that he felt it wasn't necessary to wait 19 months to bring this matter to the attention of the taxpayers.

In replying to this, Mr. Blauvelt told Mr. Brandenburg that the Town Board does not do the assessing, and that the assessments were made too late to put in the 1940 Tax Roll.

Mr. Furno said the people would like to have a 30/ rate or none at all. He further added that when he signed the petition it was his understanding the rate would be 22/ per hundred.

Mr. Harring then said that unless some understanding could be reached about a 30/ rate, the people would circulate a petition immediately to abolish the lights. He pointed out that he felt the people were not interested at all in any lights, and that a petition could be produced with the signatures of 50% of the taxpayers who now have to pay for the lights. With regard to smaller lights, Mr. Harring said he thought these might be all right, providing all of West Nyack were in the district, but he did not see why just a few taxpayers on the State Highway should pay for the convenience of people who come from all parts of the county to commute on the railroad at West Nyack. He said that unless some agreement could be reached with Rockland Light from the start of the lights, he didn't approve of a petition for smaller lights, as he didn't feel the fault in the cost of the lights was that of the taxpayers. He said he felt the rest of the people should be consulted as to whether they wanted lights. He then asked if a district had ever been created in Clarkstown that cost \$2.25 per hundred per year.

Mr. Blauvelt told him that no district ever cost \$2.25 for one year, but this figure is not for one year. We have never had a district with all of the large lights. If the lights were smaller as in the majority of the other districts, the rate would average the same.

Mr. Storms then wanted to know if it would be possible to abolish the district.

Mr. Blauvelt informed him that was a legal question, which would have to be referred to the Town Attorney. He then asked Mr. Wexler if he would answer this question, and Mr. Wexler advised he was not prepared just at the moment.

Mr. Phillips then said that several years ago the Civic League installed lights in West Nyack with the intention of extending the lights even further. They went broke and the fire company had to pay the bill. The lights, however, were abolished. He pointed out that Mr. Jacobsen came to his home with the second petition, as the first petition was illegal. He said he was told the rate wouldn't be anymore than 22¢ or 26¢ per hundred at the most. He was told that they had 51% or better of the taxpayers and that his signature was not needed. He said he certainly objected to a rate of \$2.25

Mrs. Bonsall then asked if her property were in the district legally if the map called for a light at the west side of her property, and it was not installed.

Mr. Blauvelt informed her that she was legally in the district and that her property was included within the boundaries of the district.

Mr. Klein said he opposed the rate of \$2.25, but felt the Board could not be blamed for this matter. The petition was brought to the Board, and they o.k'd it.

Mr. Goebel then said that the first illegal petition stated that there was to be 14 lights, but it didn't include all the people within the district. The second petition called for 8 lights. Eight large lights were put in place of the fourteen small lights, as it has been said that with the larger light having a reflector, the cost should not be excessive.

Mr. Brandenburg then wanted to know who changed the petition from the 14 small lights to the 8 large lights, as the taxpayers never asked for the large lights.

Mr. Goebel told him he did not know. Mr. Jacobsen had taken the matter up with the people and brought in the petition.

Mr. Wexler then spoke. He said that regarding the district, the Board can act on its own initiative either to form or abolish a district. Apparently in the past the Board acted on a petition submitted. The Board has a right to ask residents in the district to get a petition signed by the taxpayers as to what they wish. Until that time the district is a legal one, and the charge a legal one. As far as past services and

current are concerned, the township has been billed, and they must be paid. If you are billed in advance, and the district abolished, the company will probably prorate the amount of services rendered, and you will get a refund. It's a delicate question for the reason that the town has a contract for 10 years with the Rockland Light. A change, variance or discontinuance will really be up to the Rockland Light, providing the Public Service Commission is agreeable. It may be possible to continue the contract and put in the smaller lights, but I do not know if the contract can be discontinued. It might be well to consider for the future very carefully, and rather than abolish the district, you might consider enlarging it. The bill for the past must be paid. There is nothing to be done about that. He told the taxpayers that if they still desired a petition to abolish the district, he would prepare it.

Mr. Brandenburg then informed Mr. Wexler that there was a petition to enlarge the district, but that when they heard of the \$2.25 rate, the matter was dropped.

Mr. Wexler then said that he had examined all the proceedings relative to the formation of the district, and they are all in order. Although the rate is a high one, it is a legal one.

Mr. Brandenburg then requested Mr. Wexler to prepare the petition to abolish the district, and ^{said} that he would call at his office for it.

Mr. Martin again appeared before the Board relative to the change of the zoning of property in Congers owned by Martin Scheu. He said he objected to a greenhouse being constructed because of the soft coal nuisance, and that in his opinion there should be some restriction regarding the chimney.

Mr. Blauvelt informed Mr. Martin that the Board had granted the change of zoning to Mr. Scheu because the greenhouse had been there for many years, and because no one complained at the Public Hearing held prior to the change by the Board. He also told Mr. Martin that there is a clause in the Zoning Ordinance relative to smoke.

Mr. Wexler then submitted a report on this matter.

Mr. Dickenman moved the meeting adjourn.

Seconded by Mr. Goebel

Carried

Meeting adjourned.

Kate Robinson

 Town Clerk of Clarkstown

ABB 953