

TOWN BOARD MEETING

Feb. 8th, 1946

Town Clerk's Office

3:00 P.M.

Present: Mr. Schmersahl

Mr. McIntyre

Mr. Eberling

Mr. Dickenman

Mr. Dillon

Mr. Dillon called the meeting to order and requested the reading of the minutes.

The Town Clerk read the minutes for the last regular meeting held on January 11th, 1946.

Mr. Dickenman moved the minutes be adopted as read.

Seconded by Mr. Schmersahl

Carried

Mr. John Coyle, representing the New City Business Men's Association, appeared before the Board regarding certain changes in the New City Lighting Dist. He told the Board that a study of the present existing district has been made, and that changes which will cost \$92.16 have been recommended. He further pointed out that this amount is now available as there is a balance of \$92.16 in the New City Lighting Dist. Mr. Coyle then presented a letter and a sketch showing the proposed changes.

There was no action taken in this matter.

Mr. and Mrs. Louis Rossi of Nanuet appeared before the Board regarding a sewerage condition affecting their property. In this connection, Mr. Dillon read a letter from Donald G. Partridge, Attorney for Mr. and Mrs. Rossi, in which he advised that sewerage from several houses on College Ave., Grace St. and Orchard St. empty into the ditch along College Ave., according to tests made by the Hackensack Water Co. According to Mr. Partridge, the ditch on the east side of College Ave. appears to have been dug by the Town for the purpose of controlling surface water from the road. The water, he further pointed out, runs from the ditch, through a culvert under College Ave. and then through another ditch on the Rossi property to a small brook at the rear of the premises. Furthermore, during the warmer months, there is an unpleasant odor from the water which lies stagnant in the ditch. Mr. Partridge concluded by stating that this condition is unsanitary and should be remedied, not only for the Rossis

but also for all those who live in the vicinity.

Mr. Klein, Supt. of Highways, when asked to report on this matter, told the Board that this condition has been going on for about two or three years, and that he believed it was a Board of Health matter as far as the sewerage emptying into the ditch. He said that when he investigated the matter, he found an exposed ditch for about 300 feet where the grass was growing out of the ditch. He further added that if the Town is to take care of the open ditch, it would take about 300 feet of pipe, which would amount to approximately \$1,000.

Mr. and Mrs. Rossi told the Board that there is a health hazard by reason of sewerage emptying into the ditch, and children play in it. They told the Board that originally the ditch was intended to be a drainage ditch, but that now it is purely a disposal ditch.

Mr. Dillon asked if it might not be possible to close off the ditch, and suggested that Mr. and Mrs. Rossi consult with their attorney and see if this can be done. He told Mr. Rossi that the matter would be taken up with the Health Officer, Dr. Hopper, and if it is a health menace then she will be asked to take steps to remedy it.

Mr. Klein told Mr. Rossi that it was his understanding according to the Highway Law that the ditch could not be shut off.

Mr. Dillon then requested the Town Attorney to check the Health Law and see what the Health Officer can do in this matter.

Mr. Dillon then informed the Board that according to a Report received from the State Comptroller's office covering the examination recently held of the 1944 accounts of the Town, it is improper for the Town to pay telephone service when telephones are maintained in the private homes of town officials. He said that the auditors had criticized the payment of Mr. Harrison's telephone bill as Veterans Welfare Officer and he asked what was their pleasure about the current bills being presented for payment.

The Board after discussing the matter, decided to pay the current telephone bills of Mr. Harrison, and directed the Town Clerk to advise Mr. Harrison that no future bills can be paid by order of the State auditors and Comptroller's office.

Mr. Dillon then told the Board that in connection with the appointment of an Attendance Officer for Dist. #4, Clarkstown, he had communicated with

Mr. Cordwell, but that no recommendation had been received from the School Trustees. He further advised that George Hamblin, who is now Attendance Officer for Dists. #1 and #2 is willing to serve for Dist. #4 also.

Mr. Eberling moved that George Hamblin be appointed Attendance Officer for School Dist. #4, Town of Clarkstown.

Seconded by Mr. Dickenman	Vote: Mr. Schmersahl	Yes
	Mr. McIntyre	Yes
	Mr. Eberling	Yes
	Mr. Dickenman	Yes
	Mr. Dillon	Yes

Mr. Dillon then said that an appointment would have to be made for the Janitor in the Rec. of Taxes office, and that the name of Henry Farr had been proposed.

Mr. Eberling moved that Henry Farr be appointed Janitor for the office of Rec. of Taxes, his compensation to be \$10.00 per month.

Seconded by Mr. Schmersahl	Vote: Mr. Schmersahl	Yes
	Mr. McIntyre	Yes
	Mr. Eberling	Yes
	Mr. Dickenman	Yes
	Mr. Dillon	Yes

Mr. Klein, Supt. of Highways, reported to the Board regarding the elimination of Scratch-Up Road. He said that he had communicated with Mr. Duley and Mr. Tompkins, and that they will be up in about ten days or two weeks. He will then get in touch with Mr. Ronan, and a meeting will be arranged, so that Mr. Bixby can be present. He said he believed there were good possibilities that the Trap Rock Co. would give the Town a piece of property for rerouting of the road.

Mr. Trachtenberg, Town Attorney, informed the Board that an extension on the Tolstoy matter had been granted until February 15th.

Mr. Dillon presented a bid from Excelsior Press for the printing of Three Field Books and Two Tax Assessment Rolls at a total cost of \$685.00.

Mr. Eberling moved that the Assessors be authorized to order the three Assessors Field Books and two Tax Assessment Rolls from Excelsior Press at a total cost of \$685.00.

Seconded by Mr. Dickenman	Vote: Mr. Schmersahl	Yes
	Mr. McIntyre	Yes
	Mr. Eberling	Yes
	Mr. Dickenman	Yes
	Mr. Dillon	Yes

Mr. Dillon then presented a bid from Excelsior Press for the printing of the Town Ordinances in booklet form, the cost of 500 copies to be \$102.00 and the cost of 1000 copies to be \$150.00.

Mr. McIntyre moved that the Supervisor be authorized to award the bid for 1000 copies of the Town Ordinances in booklet form at a total cost of \$150.00 to Excelsior Press.

Seconded by Mr. Schmersahl	Vote: Mr. Schmersahl	Yes
	Mr. McIntyre	Yes
	Mr. Eberling	Yes
	Mr. Dickenman	Yes
	Mr. Dillon	Yes

Mr. Dillon then reported that the Board had met informally and decided to meet with Mr Irion regarding the property he owns in New City which is being considered for the site of the Town Hall. Mr. Dillon further informed the Board that he had taken the matter up with the Postwar Planning Board, and that although they had cancelled the contract, they were willing to extend the time limit for securing a site until March 15th. Mr. Dillon told the Board that Mr. Irion will sell a piece of property to the Town approximately 120' x 175' for \$3,500. as a site for the Town Hall. This property is opposite the Episcopal Church property and faces 2nd St. in New City. Mr. Dillon told the Board that there is nothing appropriated for the purchase of this property, except \$500. If the site is agreeable to the Board, he pointed out that it might be a good idea to enter into an agreement with Mr. Irion. In this connection, Mr. Dillon also pointed out that it might be a good idea to have a referendum this fall to see how the matter stands.

Mr. Dickenman, in commenting on the matter, told the Board he felt the proposed Town Hall was a good idea, since at present we are paying approximately \$3,900. a year in rent. He also told the Board he believed the New City Business Mens' Association would stand behind it also.

Mr. McIntyre told the Board he felt plans could be made to go ahead with the property, but it would not be adviseable to build at this

time because of the high labor costs and the scarcity of material.

Mr. Dillon then told the Board that he would confer with Mr. Irion and tell him that the Board is considering the purchase of the property, and see if he will be willing to wait until such time as there is enough money to purchase the property.

Mr. Dillon then asked the Board if they could meet next week in regard to the Town Hall and the purchase of the property for the same. All members agreed to meet, Mr. Dillon to call the meeting.

Mr. Eberling moved the meeting be adjourned to go into Board of Health Meeting.

Seconded by Mr. McIntyre

Carried

After discussing matters pertaining to health in Board of Health Meeting, on motion of Mr. Dickenman seconded by Mr. Schmersahl and unanimously carried, the Board reconvened into regular Town Board meeting.

Mr. Walter McDermott, Attorney for Leonard Higinson, appeared before the Board to request the Board's permission to transfer the bus franchise originally given to Armstrong and Higinson to Leonard Higinson. He told the Board that back in 1923, the Town Board of Clarkstown by a resolution adopted Sec. 26 of the Transportation Law, and that by the adoption of this section anyone desiring to operate a bus must get the consent of the Town Board. A certificate of consent to operate a bus line was given to Armstrong and Higinson. Thereafter in 1942, Mr. Armstrong died, and on behalf of Mr. Higinson he prepared a petition to the Public Service Commission requesting permission for the Armstrong Estate to transfer the franchise for that route to the surviving partner, Mr. Higinson. Mr. McDermott said that he didn't realize at that time that he must get the consent of the Town Board to that transfer, and he now requests the Board to give their consent to such transfer. He further told the Board that he wishes the transfer as the business is about to be sold to Rockland Bus Company.

Mr. Eberling moved the following resolution:-

WHEREAS, the Town Board of the Town of Clarkstown did on the 17th day of August 1923 adopt a resolution issuing a certificate of consent to Philip Armstrong and Leonard D. Higinson to operate a bus line over streets and highways in the Town of Clarkstown, and

WHEREAS, the administrator of the goods, chattels and credits of John Philip Armstrong transferred to Leonard D. Higinson his right, title and interest in and to a bus line and equipment heretofore operated by the parties as partners, and

WHEREAS, the Public Service Commission of the State of New York has approved the said transfer, and

WHEREAS, Leonard D. Higinson has petitioned this Board for consent to transfer the said certificate from Philip Armstrong and Leonard D. Higinson to Leonard D. Higinson,

NOW, THEREFORE, Be It Resolved that the certificate of consent issued to Philip Armstrong and Leonard D. Higinson on August 17, 1923 be transferred to Leonard D. Higinson conditioned upon the same provisions as contained in the original certificate of consent.

Seconded by Mr. Schmersahl	Vote: Mr. Schmersahl	Yes
	Mr. McIntyre	Yes
	Mr. Eberling	Yes
	Mr. Dickerman	Yes
	Mr. Dillon	Yes

Mr. Eberling moved the following resolution:-

WHEREAS, the Town Board of the Town of Clarkstown did on August 17, 1923 adopt a resolution issuing a certificate of consent to Philip Armstrong and Leonard D. Higinson to operate a bus line over the streets and highways in the Town of Clarkstown, and

WHEREAS, on February 8, 1946 a resolution was adopted transferring said certificate of consent from Philip Armstrong and Leonard D. Higinson to Leonard D. Higinson, and

WHEREAS, an application has been made by the Rockland Bus Lines, Inc. for a transfer of said certificate from Leonard D. Higinson to the Rockland Bus Lines, Inc. and

WHEREAS, the application sets forth that Leonard D. Higinson has sold his right, title and interest to a bus line and equipment to the Rockland Bus Lines, Inc. subject to the approval of the Public Service Commission of the State of New York,

NOW, THEREFORE, Be It Resolved that the said certificate of consent to operate a bus line over the streets and highways in the Town of Clarkstown

be transferred from Leonard D. Higinson to the Rockland Bus Lines, Inc. upon the same provisions as contained in the original certificate of consent, and

BE IT FURTHER RESOLVED, that this consent shall not become operative unless the said sale shall be approved by the Public Service Commission of the State of New York; otherwise the consent shall be deemed void and of no effect.

Seconded by Mr. Schmersahl	Vote: Mr. Schmersahl	Yes
	Mr. McIntyre	Yes
	Mr. Eberling	Yes
	Mr. Dickenman	Yes
	Mr. Dillon	Yes

Mr. McDermott then told the Board that he represented Alfred J. Elish, and that he was presenting an appeal to change the zoning of property owned by Mr. Elish at West Nyack. Mr. McDermott presented a letter, giving the description of the property and also a map. In commenting on the matter to the Board, Mr. McDermott said the property faces Route 59 and Nyack Turnpike on the north side thereof and adjacent to Klein Ave. In the original ordinance it was provided that for a distance of 200 feet the property would be residential A. This is not being changed except in one instance. He asked the Board to change property consisting of approximately 30.42 acres from Residence A and Business B to an Industrial District. If the change is made the industry will be of the dry industrial type with no heavy machinery intended. Mr. McDermott told the Board that the property is not conducive to the purposes originally intended. The assessment will be increased to the Town, and the value of the land to the owners. Permission to change the zoning of this property will not be detrimental to the public health. Mr. McDermott, in conclusion said that it would be detrimental to public health to put up homes there, since the property is of a swampy nature and not suitable for residential purposes.

Mr. Eberling moved the following resolution:

WHEREAS, Alfred J. Elish has petitioned this Board for a change in the zoning ordinance with respect to certain property located in West Nyack from "Business B" district and "Residence A" district to "Industrial" district and described as follows:

BEGINNING at a point in the northerly line of Nyack Turnpike at the intersection of the boundary line between lands of Dawson on the west and Elish on the east, and running thence north 2 degrees 54 minutes east 140.6 feet along lands of said Dawson; thence still along said Dawson's lands and lands of Wolanski north 80 degrees 43 minutes west 138.0 feet; thence north 2 degrees 00 minutes east 285 feet; thence north 7 degrees 30 minutes east 433 feet to the southerly side of a street; thence along the southerly side of said street south 81 degrees 25 minutes east 65 feet to the easterly side thereof; thence along the easterly side of said street and along lands of Emil Klein, Jr. and along the east toe of an abandoned railroad embankment north 10 degrees 30 minutes east 230 feet; thence still along lands of said Emil Klein, Jr. north 14 degrees 15 minutes east 307 feet; thence still along said lands north 17 degrees 16 minutes east 240 feet; thence along lands of Dr. John Kernan south 37 degrees 44 minutes east 310.5 feet; thence still along said lands south 85 degrees 29 minutes east 32.5 feet; thence still along said lands south 71 degrees 14 minutes east 650 feet to a point in the center of the Hackensack Creek; thence along said center of the Hackensack Creek to a point north 71 degrees 14 minutes west 142 feet from the northeast corner of the premises hereby described; thence south 71 degrees 14 minutes east 142 feet to said northeast corner of the premises hereby described and lands now or formerly of F. A. M. Schieffelin; thence along said lands now or formerly of F. A. M. Schieffelin south 11 degrees 13 minutes east 340.5 feet to lands of New York Central Railroad; thence along said Railroad's lands south 17 degrees 12 minutes west 126.25 feet to a point in the center of the Hackensack Creek; thence along said center of the Hackensack Creek to a point 357 feet on a course of south 65 degrees 3 minutes east from the northwest corner of lands of Rudden; thence along said Rudden's lands north 65 degrees 3 minutes west 357 feet to the center line of Klein Avenue; thence along said center line of Klein Avenue South 1 degree 57 minutes west 379 feet to a point in the center line of West Street; thence along the center line of West Street north 87 degrees 5 minutes west 166.5 feet; thence crossing the southerly half of said street and along lands of Valligny, of Blauvelt, of Mueller, of Murray and of Elish south 1 degree 57 minutes west 593.5 feet more or less to a point in the northerly line of lands of Natale; thence along said lands of Natale and of Solomon north 79 degrees 30 minutes west 140 feet more or less to the northwest corner of lands of said Solomon; thence along said Solomon's lands south 1 degree 57 minutes west 139 feet to the northerly line or side of the Nyack Turnpike aforesaid; and thence along said northerly line or side of said Nyack Turnpike north 80 degrees 29 minutes west 380

feet to the point or place of beginning. Containing 30.42 acres more or less.

NOW, THEREFORE, Be It Resolved that a public hearing on said petition be held at the Town Clerk's Office on Wednesday, February 27th, 1946 at 8:00 o'clock in the evening to consider said petition and that a notice to that effect be published pursuant to the provisions of law made and provided.

Seconded by Mr. Schmersahl	Vote: Mr. Schmersahl	Yes
	Mr. McIntyre	Yes
	Mr. Eberling	Yes
	Mr. Dickenman	Yes
	Mr. Dillon	Yes

Mr. Dillon brought to the attention of the Board a bill of the Marine Corps League for the rental of the West Nyack Fire House as their quarters for the year 1946. Mr. Dillon told the Board that no provision was made for this in the 1946 budget. He suggested that the bill be referred to the Town Attorney, and that he be requested to check the law and see if the Town has the legal right to pay this claim under the circumstances.

The Board decided to refer the matter to the Town Attorney for his legal interpretation.

Mr. Dillon then read a letter from the Interstate Commerce Commission advising that the time within which petitions may be filed in connection with the extension of bus service by Rockland Coaches, Inc. and Spring Valley Motor Coach Co. has been extended to Feb. 21, 1946.

Mr. Dillon told the Board that he had received a letter from the Dept. of Civil Service, advising that the position of Janitor has been removed from the competitive to the non-competitive classification.

Mr. Eberling moved the following resolution:-

✓ WHEREAS, in the absence of an eligible list for the position of Senior Account Clerk in the office of Town Clerk of the Town of Clarkstown, a provisional appointment was made, and

WHEREAS, it is deemed impracticable to fill the vacancy by promotion as there is no one eligible for promotion to the position, be it hereby

RESOLVED, that the Town Board notify the Civil Service Commission in writing that it is deemed impracticable to fill the vacancy of Senior Account Clerk in the Town Clerk's office by promotion because there is no one eligible for promotion to the position, and be it

FURTHER RESOLVED, that the Civil Service Commission be requested to hold an open competitive examination limited to Clarkstown residents for the position of Senior Account Clerk in the office of the Town Clerk of the Town of Clarkstown, New City, N.Y.; present salary \$2000.00, and be it

FURTHER RESOLVED, that Notice of this request for such open competitive examination be publicly and conspicuously posted in the office of the Town Clerk, in the Supervisor's Office and in the office of the Civil Service Commission.

Seconded by Mr. McIntyre	Vote: Mr. Schmersahl	Yes
	Mr. McIntyre	Yes
	Mr. Eberling	Yes
	Mr. Dickenman	Yes
	Mr. Dillon	Yes

Mr. Dillon then told the Board that the Supt. of Highways has recommended the purchase of an industrial tractor, and that the proper notice has been published in the Journal-News as required by law.

Mr. Klein then told the Board that he has been assured of delivery of the tractor within sixty days, and that the purchase price is \$4,228.68. He said he would like a resolution authorizing the purchase of the said tractor.

Mr. Dickenman moved the following resolution:-

WHEREAS, the Town Superintendent of Highways did on the 8th day of February, 1946, duly recommend the purchase of certain machinery and equipment pursuant to the provisions of Section 142 of the Highway Law, and a notice of such recommendation has been duly published as provided in such action,

NOW, THEREFORE, Be It Resolved that pursuant to Section 142 of the Highway Law the Town Superintendent of Highways is hereby authorized to purchase from H. O. Penn Machinery Co., Inc., with the approval of the County Superintendent of Highways:

One (1) Case Model DI Wheel Type Industrial Tractor with standard equipment consisting of 4 cylinder valve-in-head gasoline engine driven, heavy cast wheels, gasoline manifold, solid mounted front axle, hand and foot throttle, 4 speed transmission, upholstered industrial seat, composition steering wheel, vertical adjustable drawbar, muffler, rear wheel brakes, transmission brakes, oil filter, fenders, electric starter, electric lights, 7.00 x 20- 8 ply front tires; 14.00 x 24 - 8 ply single rear tires, drawbar, counterweight, Model "A" two man cab with safety glass, electric horn, hood sides for engine, upon which is to be mounted one Hough Model I DI hydraulic loader with 48" wide bucket, 5/8 cubic yard strike level capacity and one additional snow bucket - 72" wide, 1 -1/2 cubic yard heaped.

One (1) Hough Model DI one-way Sweeper, with Palmyra fibre broom, 7' long 30" diameter, dust hood, throwout clutch complete and ready to install.

One (1) Extra 84" Palmyra fibre broom assembly when purchased as original equipment.

for a total price of Four Thousand Two Hundred Twenty-Eight and 68/100 Dollars (\$4,228.68), delivered at Nyack, New York, and to be delivered on or about 8th day of April, 1946.

The terms of payment will be as follows:

Check drawn on Machinery Fund -- \$4,228.68

A contract of purchase for the items purchased shall be duly executed between the Town Superintendent of Highways and such vendor, and when duly approved by the County Superintendent of Highway, it shall become effective. When such contract has been duly executed and approved, the Supervisor is authorized to complete such purchase upon delivery of the items purchased in accordance with the terms of such resolution and such contract, and to pay the above amounts specified to be paid by check or checks.

(1) By a check drawn on the Machinery Fund for \$4,228.68.

Seconded by Mr. Schmersahl

Vote:

AYE	Irvin F. Dillon	Supervisor
AYE	John Dickenman	Town Councilman
AYE	Charles Eberling	Town Councilman
AYE	Charles McIntyre	Town Councilman
AYE	Fred Schmersahl	Town Councilman

Mr. Dillon presented the reports of the following Town Officers covering the month of January, 1946.

Welfare Officer's report
 Veterans Welfare Officer's report
 Report of John Elliott, Bldg. Inspector for
 Period Jan. 1st to Jan. 11th
 Building Inspector's report - Jos. Mutinsky
 Period Jan. 16 to Jan. 31st

Report and Trial Balance of Supervisor
Town Clerk's report
Report of Chief Liebert as Chief of Police

Mr. Dillon presented the Annual Report of Supervisor for the year 1945.

Mr. Dickenman moved that the reports be accepted as presented.

Seconded by Mr. Eberling Carried

Mr. Dillon then read a letter from the Department of Civil Service addressed to the Town Clerk relative to the appointment of a Welfare Officer. Mr. Dillon told the Board that he had heard nothing further from the department since receipt of the telegram, advising that the eligible list had been withdrawn. He said that he would write the department and ask them to clarify the matter.

Mr. Eberling moved that the Civil Service Commission be requested to submit a new list of eligibles for the position of Town Welfare Officer in the Town of Clarkstown.

Seconded by Mr. Dickerman Carried

The Board then agreed to meet on Friday, Feb. 15th, 1946 at 4:00 P.M. to consider the appointment of a Welfare Officer, since the appointment of the present Welfare Officer expires on that date.

Mr. Dillon then read a letter from Albion Volk regarding the proposed 4-year term for the office of Supervisor, Town Clerk and Supt. of Highways.

After discussing the matter, Mr. Eberling moved the following resolution:-

RESOLVED, that the Town Board of Clarkstown approve the proposed legislation to change the term of office of the Supervisor, Town Clerk and Superintendent of Highways from two years to four years, and be it

FURTHER RESOLVED, that Senator Desmond and Assemblyman Walmsley be requested to support such legislation when it comes up for consideration, and be it

FURTHER RESOLVED, that the Delegate and Alternate representing the Town of Clarkstown at the Association of Towns Convention in Albany be requested to vote in favor of any resolutions relative to the proposed four year term, and be it

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FURTHER RESOLVED, that a copy of this resolution be sent to Senator Desmont, Assemblyman Walmsley, the Association of Towns and also to Governor Dewey.

Seconded by Mr. Eberling Vote:	Mr. Schmersahl	Yes
	Mr. McIntyre	Yes
	Mr. Eberling	Yes
	Mr. Dickenman	Yes
	Mr. Dillon	Yes

Mr. Dickerman then inquired regarding the proposed Planning Board and said that he had two names he would like to present. Since a complete list was not available, it was decided to hold the matter over until the next meeting, to be held on Friday, Feb. 15th.

Bills Nos. 72 to 152 on Warrant #2, amounting to \$12,027.90 were audited and ordered paid.

There being no further business, Mr. Schmersahl moved the meeting be adjourned.

Seconded by Mr. Dickenman Carried

Meeting adjourned until Friday, Feb. 15th, 1946 at 4:00 P.M.

Cora M. Marthing

Town Clerk of Clarkstown