

TOWN BOARD MEETING

March 8th, 1946

Town Clerk's Office

3:00 P.M.

Present: Mr. Schmersahl

Mr. McIntyre

Mr. Eberling

Mr. Dickerman

Mr. Dillon

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

Miss Martling read the minutes for the regular meeting held on Feb. 8th and a Special meeting held on Feb. 15th, 1946.

Mr. Eberling moved the minutes be adopted as read.

Seconded by Mr. McIntyre

Carried

Mr. Dillon then presented to the Board a bill of the Telephone Company covering service furnished to Mr. John Elliott, former Building Inspector.

After discussing the matter, the Board directed the Town Clerk to write a letter to the Telephone Company, advising them that Mr. Elliott ceased being the Building Inspector as of January 11th, 1946 when a new appointment was made, and that this service should be discontinued since Mr. Elliott is no longer a Town employee.

Mr. Dillon read a letter from Assemblyman Robert Walmsley, in which he advised that he was seeking to arrange for representatives favoring the 4-year term for the Supervisor, Town Clerk and Supt. of Highways to have a hearing before the committee which is handling the matter.

Mr. Dillon read a letter from Senator Thomas C. Desmond, acknowledging receipt of the resolution adopted by the Town Board, endorsing the 4-year term for the Supervisor, Town Clerk and Supt. of Highways.

Mr. Dillon then read a letter from Henry Farr, advising that he wasn't interested in the position of Janitor for the Rec. of Taxes office.

There was no action taken in this matter.

Mr. Dillon read a letter from the State Insurance Fund, enclosing a brief digest of bills now being considered by the legislature and the reasons why they should be opposed.

Mr. Dillon read a letter from George M. Edsall outlining the benefits of a new Broad form of Money and Securities policy which will give the Town more

complete coverage on the Rec. of Taxes office for a small additional premium.

Mr. Dickenman moved the following resolution:-

RESOLVED, that the Town Board approve the new Broad form of Money and Securities Policy covering the office of Rec. of Taxes which allows more complete coverage than the present limited Coverage form now being carried by the Town, and be it

FURTHER RESOLVED, that George Edsall, the Insurance Agent be requested to cover the Town at once under the new policy.

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

Mr. Dillon read a letter from Charles T. Dittmer recommending that two policemen patrol together in one automobile instead of one man in order to protect the present members of the police department.

In commenting on this recommendation, Mr. Dillon told the Board he felt the idea was an excellent one, as he had often wondered when he was Justice of the Peace how one policeman took care of some of the cases brought before him.

Chief Liebert told the Board that he believed the idea to be sound, but that unfortunately there was not sufficient money in this year's budget to take care of this additional expense.

After discussing the matter, the Board decided to give it further consideration when the budget is made up for next year.

Mr. Dillon read a letter from the Civic Board of Clarkstown again recommending that when street lights are added to an existing lighting system that they be mounted on every third pole instead of on every other pole. They also point out that they previously recommended that street lighting in Congers could be made more effective by extending the existing lighting.

Mr. Dillon then inquired of Mr. Dickenman if he had received any complaint regarding the street lighting in Congers, and Mr. Dickenman replied that he understood the present system is adequate.

Mr. Dillon informed the Board that Mr. Harrison, Veterans Welfare Officer, had talked with him about the Town's action at a previous Board meeting when a resolution was adopted discontinuing the payment of telephone service to his private home. Mr. Dillon said that the Board had taken this action after

receiving word from the Dept. of Audit and Control that the payment of such a charge was illegal. In this connection, Mr. Dillon read a letter from the State Dept. of Audit and Control, addressed to Mr. Harrison upholding the decision of the Board and suggesting that Mr. Harrison's salary be increased to cover the telephone service.

After discussing the matter, the Board decided that there was nothing further they could do in this matter in view of the ruling from the State.

Mr. Dickenman moved the Board adjourn to go into Board of Health Meeting.

Seconded by Mr. Eberling

Carried

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

Mr. Alphonse J. Schroeder, Chairman of the Board of Assessors, appeared before the Board and requested that mileage be granted to the Assessors. He pointed out that under the Town Law, town officials are allowed to have mileage and travelling expenses. He said that under the present conditions of property sales, there is quite a bit of travelling to be done by the Assessors, and that he feels they are entitled to this mileage in the performance of their duties. Mr. Schroeder also pointed out to the Board that previously the Assessors were paid \$3.00 for every dog case investigation plus mileage but under a new ruling they may not collect for this but must turn it over to the Town because they are salaried employees.

Mr. Walter McDermott, Attorney for Lottie K. Zukor and Adolph Zukor, presented a petition to the Board for a change of the zoning of their property at New City from Residence A district to Residence B district.

Mr. Eberling moved the following resolution:

WHEREAS, Lottie K. Zukor and Adolph Zukor have petitioned this Board for a change in the zoning ordinance with respect to certain property located in the hamlet of New City from a Residence A district to a Residence B. district, said property being described as follows:

All that certain piece or parcel of land, situate, lying and being in the Town of Clarkstown, Rockland County, north of the Hamlet of New City, bounded and described as follows:

BEGINNING at a point in the westerly line of Route No. 30 $\frac{1}{2}$ where the same is intersected by the boundary line between lands of Bronsell and the Adolph Zukor Estate, and running thence along said Bronsell's lands North 86 degrees 12 minutes 59 seconds West, 1651.01 feet to a corner and lands of O'Neill; thence along said O'Neill's land the following courses and distances. (1) North 2 degrees 21 minutes 42 seconds West 188.60 feet; (2) North 87 degrees 38 minutes 08 seconds West 618.80 feet; (3) South 1 degree 29 minutes 58 seconds West 518.50 feet; (4) South 1 degree 46 minutes 39 seconds West 539 feet; (5) South 1 degree 40 minutes 22 seconds West 448.67 feet to the Northerly line Bronsell Road; thence along said Bronsell Road the following courses and distances: (1) North 85 degrees 53 minutes 13 seconds West 52.70 feet more or less; (2) North 86 degrees 42 minutes 14 seconds West 651.11 feet; (3) North 79 degrees 37 minutes 41 seconds West 45.05 feet; (4) North 84 degrees 48 minutes 46 seconds West 593.74 feet; (5) North 80 degrees 15 minutes 13 seconds West 621.09 feet; (6) North 83 degrees 13 minutes 01 seconds West 273.35 feet to the point of intersection of the Northerly line of said Bronsell Road with the Easterly line of Roberts Road; thence along the Easterly line of Roberts Road the following courses and distances; (1) North 01 degree 4 minutes 59 seconds East 950.23 feet; (2) North 03 degrees 52 minutes 57 seconds East 1420.79 feet more or less; (3) North 1 degree 50 minutes 56 seconds East 1179.34 feet; (4) North 0 degrees 21 minutes 06 seconds West 1755.31 feet to lands of Roberts; thence along lands of said Roberts and of Schnepf the following courses and distances; (1) South 85 degrees 20 minutes 12 seconds East 730.53 feet; (2) South 83 degrees 58 minutes 27 seconds East 722.07 feet; (3) South 85 degrees 03 minutes 25 seconds East 1520.50 feet to a corner; (4) North 05 degrees 32 minutes 03 seconds West 1213.40 feet to a corner; thence still along said lands of Schnepf and crossing Zukor Road to the east side thereof; North 72 degrees 32 minutes 08 seconds East 399.68 feet; thence Northerly along said Easterly line of Zukor Road to lands of the United Guild; thence along said lands of United Guild and lands of Lott the following courses and distances; (1) South 86 degrees 39 minutes 59 seconds East 265.05 feet; (2) South 87 degrees 58 minutes 59 seconds East 363.65 feet; (3) North 11 degrees 38 minutes 03 seconds West 36 feet; (4) North 82 degrees 34 minutes 49 seconds East 593 feet; (5) South 37 degrees 48 minutes 50 seconds East 132.50 feet; (6) North 85 degrees 01 minutes 10 seconds East 548.40 feet; (7) South 03 degrees 01 minutes 10 seconds West 45.30 feet; (8) North 85 degrees 01 minutes 10 seconds East 523.10 feet; (9) North 05 degrees 53 minutes 44 seconds West 1016.94 feet to a point in the Southerly line of South Mountain Road; thence along said Southerly line of South Mountain Road South 63 degrees 10 minutes 55 seconds East 347.50 feet; thence still along said South Mountain Road South 68 degrees 57 minutes 58 seconds East 225.86 feet to lands of Dixon; thence along said Dixon's land South 12 degrees 16 minutes 22 seconds West 452 feet to a point in the center of the Hackensack River; thence along said Hackensack River to a point, said point being in the westerly line of the lands of said Dixon; thence from said point and along the said westerly line of lands of Dixon South 06 degrees 47 minutes 06 seconds East 277 feet; thence still along said Dixon's lands and crossing the said Hackensack River, North 88 degrees 51 minutes 56 seconds East 528.90 feet; thence still along said Dixon's lands North 05 degrees 47 minutes 57 seconds West 693.70 feet to a point in the South-westerly line of said South Mountain Road; thence along the same South 50 degrees 46 minutes 37 seconds East 23.34 feet to lands of Deming; thence along said Deming's land South 05 degrees 47 minutes 57 seconds East 837 feet to a point in the center of the Hackensack River; thence along the center of said Hackensack River to a point; thence North 83 degrees 03 minutes 10 seconds East along lands of Deming 304 feet; thence still along said Deming's lands South 0 degrees 08 minutes 32 seconds East 144.54 feet; to the Southerly boundary line thereof; thence along said Southerly boundary line of Deming's lands North 83 degrees 47 minutes 45 seconds East 699.97 feet to a point in the Westerly line of said South Mountain Road; thence along the same (1) South 08 degrees 09 minutes 53 seconds East 93.97 feet; (2) South 14 degrees 35 minutes 53 seconds East 83.75 feet; (3) South 34 degrees 20 minutes 23 seconds East 46.07 feet; (4) South 61 degrees 40 minutes 23 seconds East 8.11 feet to the Northerly line of lands of Mackey; thence along said Northerly line of lands of Mackey and of Blauvelt South 78 degrees 18 minutes 21 seconds West 813.0 feet to a point in the center of Demarest Kill; thence along the center of said Demarest Kill and lands of Blauvelt to a point being the Southeast corner of the premises hereby described; thence still along said lands of Blauvelt the following courses and distances: (1) North 86 degrees 42 minutes 18 seconds West 1088 feet; (2) North 1 degree 3 minutes 20 seconds West 170.91 feet; (3) North 86 degrees 32 minutes 26 seconds West, and crossing said Route No. 30 $\frac{1}{2}$, 1205.80 feet to the Westerly line of said Route No. 30 $\frac{1}{2}$; thence along the same along a curve to the right having a radius of 102.13 feet, to a point; thence still along the same South 6 degrees 15 minutes 28 seconds West 385.57 feet; thence North 84 degrees 7 minutes 43 seconds West 444.87 feet to a corner; thence South 4 degrees

19 minutes 20 seconds West 240.22 feet to a corner; thence South 84 degrees 7 minutes 43 seconds East 439.37 feet to a point in the Westerly side of said Route No. 304; thence along the same the following courses and distances: (1) South 5 degrees 12 minutes 45 seconds West 288.12 feet; (2) South 5 degrees 42 minutes 58 seconds West 472.96 feet; (3) South 4 degrees 20 minutes 45 seconds West 715.14 feet; and thence (4) South 1 degree 4 minutes 33 seconds West 126.68 feet to the point or place of beginning. Containing 745.9 acres more or less. All of which is shown on Map of the Adolph Zukor Estate, Clarkstown, Rockland County, New York, April, 1941, John J. Watson, Consulting Engineer, W. Eschen, C.E.

Excepting therefrom so much of said lands as were heretofore designated on the Zoning Map of the Town of Clarkstown and the Ordinances of said Town as Business District.

NOW THEREFORE, BE IT RESOLVED, that a public hearing on said petition be held at the Town Clerk's Office on Friday, April 12th, 1946, at 2:00 o'clock in the afternoon 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 then told the Board that he had received several requests from people that private roads which have never been taken over by the Town be maintained by the Town. He said that they want the Town to take care of the road, that is put in gravel and make it passable. He said he understood from Mr. Klein, Supt. of Highways, that he has received the same request.

In commenting on the matter, Mr. Klein told the Board that the Town has been putting highway tax money on these roads, but that requests have been coming in for one road after another. He said that according to the law, the Highway Dept. can't do this, and that the Attorney General advises that the Town stay out of private roads. He further said that the State Auditors have ruled that no work be done by the Town on private roads.

The Board requested the Town Clerk to advise the people requesting work by the Town on private roads that the Town cannot legally maintain private roads.

Mr. Dillon then presented the reports of the following Town officials covering the month of February.

Building Inspector's Report
 Town Clerk's Report
 Welfare Officer's Report
 Veterans Welfare Officer's Report
 Police Report
 Report and Trial Balance of Supervisor

Mr. Dickenman moved the reports be accepted as presented.

Seconded by Mr. Schmersahl

Carried

In reporting on the Tolstoy matter, Mr. Trachtenberg told the Board that Mr. Bryant, their attorney, had asked for a conference with him on the matter. Mr. Trachtenberg said that upon investigation he learned that there was an opinion rendered by Mr. Wexler, previous Town Attorney which exempted the land from taxation. Also, there was a court order directing the removal of the property from the tax rolls, and that as soon as it was put back on the rolls, the court action followed.

It was pointed out that investigations had indicated that business was being conducted on the Tolstoy premises, and that was the reason it was again placed on the assessment rolls.

Mr. Trachtenberg told the Board that in regard to the bill of the Marine Corps League for rental of headquarters, he felt there was nothing they could legally do since it was not appropriated in the budget. He told the Board, however, that he was going to take the matter up with the Dept. of Audit and Control and would report back at the next meeting.

In regard to the New City Park deeds, Mr. Trachtenberg told the Board he had a conference with Mrs. Pedersen, and that a number of deeds have been prepared for Lindbergh Lane and that Mrs. Pedersen is to get the signatures. There are still, however, more deeds to be drawn which he will take care of. In connection with the deeds for Hansen Ave. he suggested that new deeds be prepared for the ones that were lost. He also advised that when the deeds are submitted that a check be made to see if the property is free from encumbrance. In this connection, he said that if you take a piece of property, the expense is yours to see that it is free from encumbrance. He told the Board that he would draw the deeds that are necessary to clear the matter up, but that some provision should be made to pay for the searching of the titles.

Mr. Dillon then told the Board that New York Firemens' Association at a recent convention passed certain resolutions favoring legislation to be considered by the Legislature. They now ask the Town Board to adopt a resolution favoring the proposed legislation.

Mr. Dickenman moved that the Town Board approve the legislation proposed by the New York Firemens' Association, which is now being considered by the Legislature.

Seconded by Mr. Schmersahl

Vote: Mr. Schmersahl
Mr. McIntyre
Mr. Eberling
Mr. Dickenman
Mr. Dillon

Yes
Yes
Yes
Yes
Yes

Mr. Trachtenberg informed the Board that Joseph Carpenter of Haverstraw was very anxious to obtain a release in connection with an accident which he had with one of the Clarkstown Highway trucks which will release him from any future claims.

In commenting on this matter, Mr. Klein told the Board that Mr. Carpenter was not at fault, as the Highway truck hit him. He has no automobile at the present time, but he is fearful his license will be picked up, since he had no insurance at the time of the accident.

After discussing the matter, the Board referred it to Mr. Trachtenberg, with the request that he investigate and report back his findings.

Mr. Klein reported to the Board that he had gone over the Scratch-Up Road with Mr. Ronan and Mr. Tompkins, and they would like to have the road abandoned. Mr. Klein said he would be agreeable to dropping the matter until the State tells us for a definite certainty that the State Road is going through. The New York Trap Rock Co., however, is willing to buy the road and give us a new right of way. They also felt they could come to an agreement on putting in some fill on the road.

The Board after discussing the matter informed Mr. Klein that they would hold the matter over until the new State road goes through.

Mr. McIntyre brought to the attention of the Board a previous request of Mr. Ned Besso for permission to fill in property belonging to him at West Nyack. He pointed out that there was some consideration given previously to the Town entering into an agreement with Mr. Besso, stipulating under what terms he would be allowed to dump material on his property. He said that Mr. Besso was willing to abide by such an agreement, as he was anxious to fill in his property.

Mr. Trachtenberg was requested to check this matter and take care of the drawing of such an agreement, which would outline the terms under which Mr. Besso would be permitted to fill in his property.

Mr. Dillon presented a petition for street lights in Congers on Telephone Poles No. 50, 53 and 56 on Ridge Rd. Mr. Dillon told the Board that Mrs. Schiebel, one of the signers of the petition, had called on him in regard to street lights, claiming that she has been charged for street lights on her tax bill, but had no benefit of street lighting. An investigation of the present existing district, however, shows that she is not within the Congers Light Dist. Mr. Dillon, therefore, suggested that Mr.

Trachtenberg check the matter and see if it will be necessary to extend the present lighting district, or if this is not necessary, just what disposition is to be made in the matter.

The matter of the petition for street lights was referred to Mr. Trachtenberg by the Board, and he was requested to report back at the next meeting.

The question of the light poles extending on the road just north of the West Nyack School on the east side of Strawtown Road was brought to the attention of the Board members.

After discussing the matter, the Board directed the Town Clerk to request the Rockland Light & Power Company to take some action as soon as possible to move these poles back, as their present position is extremely hazardous.

Mr. Dillon brought to the attention of the Board members once again a letter from the New City Business Men's Association, recommending changes in the New City Lighting Dist.

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

RESOLVED, that the Town Board approve the changes in New City Lighting Dist. recommended by the New City Business Men's Association, the cost of the proposed changes to be as follows:-

17 Lights increased from 60 candle power to 100 candle power @ \$3.00	\$51.00
New 250 candle power light	<u>41.00</u>
Total	\$ 92.00

and be it

FURTHER RESOLVED, that the Rockland Light & Power Company be requested to trim the trees within the Lighting District in order to increase the efficiency of all the lights in the district, and be it

FURTHER RESOLVED, that the Rockland Light & Power Co. be requested to make the above changes as soon as possible.

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

Mr. Dillon then read a letter from the Clarkstown Zoning Board of Appeals recommending the adoption of a Building Code for the Town.

Mr. Trachtenberg told the Board that he had appeared at the last meeting of the Zoning Board of Appeals, and he said they feel that there is a need for a building code for the Town.

Mr. Dillon said he understood that there was some consideration being given to a building code for the entire county, and that he would look into the matter further and report back to the Board.

The Board discussed the matter at length and decided to study the matter more carefully before taking any action.

The Board agreed to meet informally in the Supervisor's office on March 21st at 7:00 P.M. to discuss further the formation of a Planning Board.

Mr. Dickenman offered the suggestion that the Building Inspector inspect all 3-story buildings in Clarkstown and see if fire escapes are necessary before some tragedy occurs like the one that recently occurred in Tallman. He said he felt that the Building Inspector would be willing to do this.

Chief Liebert then informed the Board that under the new set of Ordinances recently adopted the Chief of Police and the Chief of Fire Depts. have the right to authorize the closing of buildings that are unsafe.

Stephen Doig, Justice of the Peace, who was present at the meeting, expressed his thanks for his appointment by the Town Board to the office of Justice of the Peace. He said he would always do his best to live up to the faith and trust placed in him.

Bills Nos. 153 to 223 on Warrant #3 amounting to \$1,664.11 were audited and ordered paid.

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

Seconded by Mr. Schmersahl

Carried

Meeting adjourned until April 12th, 1946.

Carroll M. Prutting

Town Clerk of Clarkstown