

## TOWN BOARD MEETING

Dec. 13, 1946

Town Clerk's Office

3:00 P.M.

Present: Mr. Schmersahl

Mr. McIntyre

Mr. Eberling

Mr. Welchman

Mr. Dillon

Mr. Dillon called the meeting to order.

Mr. Eberling moved that the reading of the minutes for the Public Hearing and Regular Meeting held on Nov. 7th and the Special Meeting held on Nov. 21st be dispensed with.

Seconded by Mr. Schmersahl

Carried

Mr. Dillon read a letter from John J. Harrison, Veterans Welfare Officer, in which he requests that he be given either an increase in salary or a 10% cost of living adjustment in 1947. He told the Board that he understood that such an increase has been allowed in every town and village in the county, and that he is the only one in the township who has not received such an increase. Mr. Harrison said that his office was never advised that increases were to be made, and that he did not include an amount to cover it when submitting his preliminary estimate.

Mr. Dillon told the Board that inasmuch as the salary was fixed in the budget, he didn't think there was anything that could be done. However, he requested Mr. Trachtenberg, Town Attorney, to check the matter further and report back to the Board. The letter was tabled until the 1st meeting of the new year.

Mr. Dillon read a letter from W. Reginald Herdman, Chairman of the Clarkstown Zoning Board of Appeals, expressing his thanks to the Board for the consideration and approval given the adoption of a Building Code, submitted by the Planning Board, and which was previously offered to the Board by the Zoning Board on December 3rd, 1945.

Mr. Trachtenberg reported to the Board that he is working on the Building Code and also on the Fire Code.

Mr. Dillon read a letter from R. W. Pease, Director of Dog Licensing in the Dept. of Agriculture and Markets, regarding the appointment of a Dog Enumerator, in which he urged the appointment of persons who will do the job on time and do it thoroughly.

Mr. McIntyre moved that Charles H. Draudt be appointed Dog Enumerator for a period of one year.

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

Mr. Schmersahl moved that the Town Clerk send a copy of the letter sent to the Board by Mr. Pease to the newly appointed Dog Enumerator.

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

Mr. Dillon brought to the attention of the Board a claim received from Kennedy, Teale & Kennedy in the amount of \$440.10 for their services in the action of Kischel vs. Stephen Flamik, former Justice of the Peace, and Walter N. Liebert, Chief of Police, for false arrest. Mr. Dillon told the Board that the action was dismissed in Supreme Court Nov. 4, 1946. The matter was referred to the Town Attorney, with the request that he kindly check it and advise the Board further.

Mr. McIntyre moved that mileage not to exceed 6¢ per mile be paid to the Dog Enumerator.

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

Mr. Dillon read a letter from the Civil Service Commission in which they outline the qualifications for a building and zoning inspector, which include a college education and five years experience in structural contracting and engineering.

In view of the fact that the position only pays approximately \$500. a year, the Board members felt that no person with the qualifications they require would be willing to take the position. Mr. Dillon agreed to write the Commission and ask them if the qualifications could not be lowered.

Mr. Eberling moved the following resolution:-

WHEREAS, at the close of business of the Fiscal year of 1946 of the Town of Clarkstown, certain additional appropriations require to be made in order that none of the accounts shall be overdrawn, and

WHEREAS, there is a sufficient balance available in the account of Current Surplus to adequately care for such additional appropriations that are necessary, and

WHEREAS, Section 107 of the Town Law provides that Surplus Funds of the Town may be used for its legal procedure, be it

RESOLVED, that the Supervisor be authorized to transfer in addition to transfers already sanctioned by this Board certain sums necessary to effectively close the accounts of the Town of the year 1946, and the Supervisor is hereby authorized to make such intra account transfers as may be desirable in order to maintain sufficient credit balances within the several accounts of the Town so that none may be overdrawn including such exchange transfers within the several bank accounts as will best facilitate the proper closing out of said accounts.

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

Mr. Dillon read a letter from Theodore F. Meier, in which he resigned his office of School Director, said resignation to take effect immediately.

The Board decided to hold this over until the next meeting.

Mr. Dillon read a letter from the Central Nyack Welfare Association, in which they request that the Clarkstown Police ride through Central Nyack (other than Route 59) at least once in every 24 hours, but not always the same hour.

Chief Liebert told the Board that one of his men rides through Central Nyack at least three times every night, and that it is other than Route 59.

The Board requested the Town Clerk to advise the Central Nyack Welfare Association regarding the report made by Chief Liebert.

The Board then discussed the bill submitted by Mr. Elliott in the amount of \$15.00 for rental of an office for the Clarkstown Planning Board.

It was decided to check the bill, as there has been no funds appropriated to cover this item in this year's budget. The bill was therefore held out of the regular audit.

Mr. Dillon presented the reports of the following Town officers for the month of November, 1946.

Supervisor's Report and Trial Balance

Town Clerk's Report

Building Inspector's Report

Welfare Officer's Report

Veterans Welfare Officer's Report

Chief of Police Report

Building Inspector's Report for Oct.

Mr. Trachtenberg, Town Attorney, then reported to the Board that he had received a letter from the State regarding the light in Valley Cottage at Route 303 and Lake Road. In the letter the State advised that a careful check was made of the traffic conditions at this corner when travelling was at its peak, and it was found that conditions did not warrant the re-installation of the light. Also, the State found that the school children have been so well trained in crossing this highway, that the light is not necessary.

After discussing the matter, the Board were still of the opinion that the light is necessary, that the corner is a hazardous one, and that traffic conditions are better known to those who live here than would be known by a survey covering only a short period of time. It was decided to make every effort to have the State put back the light.

Mr. Dillon told the Board that he received a call from Mr. Kreuger of the Valley Cottage Board of Education requesting that the Board consider police protection for the school children in Valley Cottage while going in and out of the school. In this connection, Mr. Dillon said that he understood in Pearl River and Naurashaun, men are appointed as Deputy Sheriffs and are paid by the Town of Orangetown to do police duty at the schools.

When the Board conferred with Chief Liebert, they were advised that in Orangetown the Police do not take care of the schools although they have more officers than Clarkstown. Chief Liebert further told the Board that his department is at present taking care of three schools, namely, Congers, West Nyack and Nanuet, but that he could not take care of any more schools unless he had more men.

Mr. Welchman then inquired about the traffic light in Congers at the Pantol corner. He said he understood that there had been a light there at one time, but that it had been removed.

Chief Liebert advised Mr. Welchman that there was a light at this corner, but that it was removed before the war.

✓ Mr. Dillon then read to the Board a report received from the State Dept. of Civil Service, advising that an eligible list has now been established for the position of Senior Account Clerk in the office of the Town Clerk, and that as a result of an examination held on Sept. 21st, 1946, Charles Adams was the only name on this list. They also advised that his temporary appointment expires on Dec. 15, 1946.

Mr. Eberling moved that Charles Adams be appointed as Senior Account Clerk in the Town Clerk's Office, the appointment to be on a permanent basis.

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

Mr. Dillon told the Board that Mr. Adams served with the armed forces overseas, and that since he has been employed with the Town, he has performed his duties in an efficient, satisfactory manner. He complimented the Board for their action in making this appointment.

Miss Martling thanked the Board for their action in making the appointment. She told the Board that Mr. Adams has been of great assistance to her in her work as Town Clerk, and that he has performed his duties in a courteous, efficient manner.

Mr. Gus Shankey then presented to the Board a petition of the New City Operating Corp. requesting the Board to take over as town roads two roads known as East Evergreen Road and West Evergreen Road in their new development at New City.

Mr. Schmersahl moved the maps and petition be accepted and placed on file.

Seconded by Mr. Eberling                      Carried

Mr. Dillon then told Mr. Shankey that the Board would take the matter under advisement.

In regard to the Rossi matter in Namuet, Mr. Dillon read a letter from Donald G. Partridge, attorney for Mr. Rossi, in which he advised that Mr. Rossi does not recognize any rights or easements in favor of the Town of Clarkstown or any other person to permit the use of his property as a ditch or catch basin for seepage from other persons sewerage disposal systems.

Mr. Klein, Supt. of Highways, told the Board that when the Board of Health straightens out the sewerage matter then his department will do something about the ditch.

Mr. Dillon then advised Mr. Klein that Dr. Hopper has reported that she has not been able to contact Mr. McGill to see if he has taken care of the sewerage problem on his property.

The Board decided to ask Mr. McGill to come before the Board at the next regular meeting and report what he has done on the cesspool which he contemplated building, and which was approved by the State Dept. of Health.

Mr. Dillon presented a petition of Anna M. Burnweit and others to take over a right of way in West Nyack running from the East side of North Greenbush Road in an Easterly and Northerly direction, approximately 682 feet long and 50 feet wide.

Mr. Klein, Supt. of Highways, then told the Board that he would approve the road if it had a 50 foot right ofway.

Mr. Eberling moved that the right of way in West Nyack running from the East side of North Greenbush Road in an Easterly and Northerly direction, approximately 682 feet long and 50 feet wide be accepted, provided that it meets with the approval of the Town Supt. of Highways.

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

Mr. Dillon read a letter from Mr. Klein, Supt. of Highways, requesting that the Board appoint a Committee to inspect all petitions for new roads before any roads are taken over by the Town in future.

In regard to the roads in New City Park, Mr. Klein suggested that if a committee were appointed, that perhaps they might contact the people in the Park and ask what roads they would like fixed first. He said that it would

cost the Town approximately \$30,000. to fix all the roads in the Park that have been taken over, and that with the mileage he now has in the Town and the funds allotted, it would be impossible to do all the roads; therefore, he would like to know what roads they would like repaired first.

In regard to the roads in the Park, Mr. Dillon told the Board that he had inspected the roads together with Mr. Klein, and that he was amazed at the number of miles in the Park. He further added that the roads would have to be fixed as funds in the Highway Budget permitted, as it has always been his understanding that the Town could work roads only to the extent of the money appropriated for such purposes.

The Board then discussed the petition of the New City Operating Corp. to take over two roads in New City. The Board were unanimous in their opinion that they could not take over any other roads at this time, as present highway funds do not warrant it.

In regard to the street lights for First Ave., Nanuet, Mr. McIntyre told the Board that he had contacted the Rockland Light & Power Co. and that they advised they have requests for over 200 lights, and that they only have equipment for 70 lights.

Mr. Eberling then told the Board that a street light has been requested for Englewood and Cottage Ave. in Nanuet, and he suggested that the light be installed as soon as the necessary equipment is available.

Mr. Eberling moved that a street light be installed on Englewood and Cottage Ave. in Nanuet.

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

Chief Liebert then requested the Board to do something about an examination under civil service for police patrolmen, as he needs help very bad.

Mr. Dillon told Chief Liebert that he understood the State was working on an examination for the patrolman, but that he would inquire further about the matter.

Chief Liebert then told the Board that he would like to have a piece put in the newspapers about over-night parking, since the winter is

coming on, and snow makes the travelling bad, and when cars are parked on the highways, the snow plows cannot get through.

It was decided to have the Journal-News put an item in their paper warning the people about over-night parking.

Mr. Welchman then inquired if the Congers Station Plaza had been taken care of, and Mr. Klein advised him that the work has been completed already.

Mr. Trachtenberg, Town Attorney, reported to the Board that the State has advised that the Town cannot remove the snow in Van Houten Fields since this is a private development. He said that the Town can, however, establish a Snow Removal District.

In regard to the Spring Valley Sewer matter, Mr. Trachtenberg told the Board that if they take the matter into court, they may win or lose, but that in his opinion they should not let it go by the board. He further told the Board that the Attorney General has never had to render an opinion in a similar case. He further added that the Village of Spring Valley had proceeded under Section 348 A of the Village Law, and that they had obtained the consent of the Ramapo Town Board to annex the property. Mr. Trachtenberg told the Board that it would have to be determined whether a town can have jurisdiction over the land and property of another township.

Mr. Trachtenberg then told the Board that if the case is to be continued that he would like some additional assistance.

Mr. Eberling moved that the Town Attorney be authorized to employ counsel to assist him in the certiorari proceedings with the Village of Spring Valley against the Board of Assessors, the amount not to exceed \$500.00.

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

Mr. Dillon then told the Board that he was calling the Annual Meeting of the Board for December 30th, 1946 at 5:00 P.M.

Mr. Dillon then invited the members of the Town Board and their wives to be his guests at a dinner immediately after the Annual Town Board meeting.

Bills Nos. 917 to 1039 on Warrant #12 amounting to \$10,736.56  
were audited and ordered paid.

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

Seconded by Mr. McIntyre

Carried

Meeting adjourned.

*Carroll M. Martling*  
Town Clerk of Clarkstown