

ANNUAL TOWN BOARD MEETING

December 30th, 1946

Town Clerk's Office

5:00 P.M.

Present: Mr. Schmersahl

Mr. McIntyre

Mr. Welchman

Mr. Eberling

Mr. Dillon

Mr. Dillon called the meeting to order.

Mr. Dillon then requested the report of the Town Clerk.

Miss Martling then read her report as Town Clerk for the year 1946 as follows:-

YEARLY REPORT

Receipts and Disbursements in
the office of Town Clerk of
Clarkstown for the fiscal year

1946

RECEIPTS FROM ALL SOURCES

354 Resident Hunting & Fishing @ \$2.25		\$796.50
198 Resident Hunting @ \$1.65		326.70
228 Resident Fishing @ \$1.65		376.20
16 Resident Trapping @ \$2.25		36.00
475 Resident Deer @ \$1.25		593.75
13 Non-Resident Hunting & Fishing \$15.50		201.50
87 Non-Resident Hunting @ \$10.75		935.25
70 Non-Resident Fishing @ \$5.50		385.00
4 Non-Resident 3-Day Fishing @ \$2.75		11.00
25 Non-Resident Deer @ \$10.50		262.50
7 Lost Certificates @ 50¢		3.50
20 Pin Ball Licenses @ \$25.00		500.00
6 Junk Licenses @ \$5.00		30.00
156 Marriage Licenses @ \$2.00		312.00
1722 Dog Licenses		
1194 Males @ \$2.25	\$2,686.50	
143 Spayed Females @ \$2.25	321.75	
297 Females @ \$5.25	1,559.25	
11 Kennels @ \$10.00	110.00	
61 Dogs in Kennel \$1.25	76.25	
19 Lost Tags @ 25¢	4.75	
6 Transfers @ 25¢	1.50	
1 Seeing Eye Dog	-	
		4,760.00
3 Peddlers Licenses @ \$50.00		150.00
14 Explosives @ 25¢		3.50
Miscellaneous Fees (Telephone Calls)		3.63
		<u>9,687.03</u>
TOTAL RECEIPTS		\$ 9,687.03

DISBURSEMENTS FOR THE YEAR 1946COUNTY CLERK, ROCKLAND COUNTY

354 Resident Hunting & Fishing @ \$2.00	\$708.00
198 Resident Hunting @ \$1.50	297.00
228 Resident Fishing @ \$1.50	342.00
16 Resident Trapping @ \$2.00	32.00
475 Resident Deer @ \$1.10	522.50
13 Non-Resident Hunting & Fishing @ \$15.00	195.00
87 Non-Resident Hunting @ \$10.50	913.50
70 Non-Resident Fishing @ \$5.25	367.50
4 Non-Resident 3-Day Fishing @ \$2.50	10.00
25 Non-Resident Deer @ \$10.00	250.00
7 Lost Certificates @ 25¢	1.75
TOTAL	\$ 3,639.25

COUNTY TREASURER, ROCKLAND COUNTY

1722 Dogs:-

1194 Males @ \$2.00	\$ 2,388.00
143 Spayed Females @ \$2.00	286.00
297 Females @ \$5.00	1,485.00
11 Kennels @ \$10.00	110.00
61 Dogs in Kennels @ \$1.00	61.00
19 Lost Tags	-
6 Transfers	-
1 Seeing Eye	-
1 Void	-
TOTAL	\$ 4,330.00

STATE OF NEW YORK, DEPARTMENT OF HEALTH

156 Marriages @ 50¢	\$ 78.00
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SUPERVISOR, TOWN OF CLARKSTOWN

354 Resident Hunting & Fishing @ 25¢	88.50
198 Resident Hunting @ 15¢	29.70
228 Resident Fishing @ 15¢	34.20
16 Resident Trapping @ 25¢	4.00
475 Resident Deer @ 15¢	71.25
13 Non-Resident Hunting & Fishing @ 50¢	6.50
87 Non-Resident Hunting @ 25¢	21.75
70 Non-Resident Fishing @ 25¢	17.50
4 Non-Resident 3-Day Fishing @ 25¢	1.00

SUPERVISOR, TOWN OF CLARKSTOWN

25 Non-Resident Deer @ 50¢	\$12.50
7 Lost Certificates @ 25¢	1.75
20 Pin Ball Licenses @ \$25.00	500.00
6 Junk Licenses @ \$5.00	30.00
156 Marriage Licenses @ \$1.50	234.00
1720 Dogs @ 25¢	430.00
3 Peddlers Licenses @ \$50.00	150.00
14 Explosive Licenses @ 25¢	3.50
Miscellaneous Fees (Telephone Calls)	<u>3.63</u>
TOTAL	\$ 1,639.78
TOTAL OF ALL DISBURSEMENTS	\$ 9,687.03

I, CORA M. MARTLING, Town Clerk of the Town of Clarkstown, DO HEREBY submit the foregoing as my report of Receipts and Disbursements for the fiscal year 1946.

Dated: New City, N.Y.

Dec. 30th, 1946

CORA M. MARTLING

Town Clerk of Clarkstown

Mr. Eberling moved that the report of the Town Clerk be approved and accepted.

Seconded by Mr. Schmersahl

Carried

Mr. Dillon read the report of Emil Klein, Supt. of Highways for the year 1946 as follows:

A N N U A L R E P O R T

The following roads in New City Park, totaling 1.60 miles were deeded to the Town of Clarkstown:

Lindbergh Lane	1990 ft. more or less
Amundsen Lane	1635 ft. "
Lake Drive	1420 ft. "
Hall Avenue	1190 ft. "
Balcher Terrace	280 ft. "
Hansen Avenue	1070 ft. "
Nansen Court	335 ft. "
Roosevelt Place	480 ft. "

Hansen Avenue, Nansen Court and Roosevelt Place were macadamized by the Town. All the others average 12 feet in width and are dirt roads.

The following roads were also deeded to the Town:

Englewood Avenue, Nanuet	573.86 feet
Street off Greenbush Road in West Nyack	682 "

Sixty-two miles of town roads were surface treated with R.T. 5 Tar.

14,450 feet of snow fence was erected.

Two miles of Town roads were rebuilt this year.

Including all of the above mentioned streets, the Town of Clarkstown now has 85.74 miles of town roads to maintain, repair, sand and plow.

December 30, 1946

EMIL KLEIN
Emil Klein
Supt. of Highways

Mr. Schmersahl moved the report of the Supt. of Highways be approved and accepted.

Seconded by Mr. Welchman Carried

Mr. Dillon presented the report of Walter N. Liebert, Chief of Police for the year 1946 as follows:-

ANNUAL REPORT OF THE POLICE DEPARTMENT - TOWN OF CLARKSTOWN
JANUARY 1st, 1946 to DECEMBER 30th, 1946

A total of two hundred and forty five (245) Automobile accidents were investigated. These accidents located as follows, involved four hundred and fifteen (415) cars. Persons injured, numbered one hundred and twenty four (124). Persons ftally injured numbered six (6).

<u>LOCATION</u>	<u>NUMBER</u>	<u>CARS INVOLVED</u>	<u>INJURED</u>	<u>FATAL</u>
Route 59	92	169	54	1
Route 303	10	15	2	1
Route 304	40	71	7	2
Route 9W	19	31	17	1
Town & County	84	129	44	1

A total of one thousand seven hundred and four (1704) complaints and reports of following classifications were investigated. As a result of some of these complaints a total of seventy two persons were arrested as also listed and property valued at seven thousand six hundred and eighteen dollars (\$7,618.00) was recovered.

- 2 Criminal negligence
- 1 Burglary
- 1 Robbery
- 1 Abandonment
- 101 Larceny Petit
- 8 Larceny Grand
- 9 Cars and Truck stolen
- 8 Cars and truck recovered
- 30 Assault
- 24 Unlawful entry
- 37 Public intoxication
- 1 Extortion
- 1 Fraud and cheat
- 1 Vagrancy
- 14 Town ordinances
- 2 Intoxicated driving
- 2 Sex offences
- 96 Malicious Mischief
- 26 Trespassing
- 143 Persons assisted
- 72 Persons reported missing
- 72 Persons missing found
- 12 Arrest for other departments
- 45 Reports made for other departments
- 3 Insanity cases
- 2 Suicide cases
- 5 Sudden deaths
- 3 Non vehicular accidents
- 51 Dogs (Bit or Rabies)

- 57 Dogs (Lost or Found)
- 78 Dogs (Injured or Killed)
- 70 Dogs(Stray or Viscious)
- 64 Fires
- 30 Highway obstruction or condition
- 79 Juvenile Delinquency with 168 children involved
- 22 Fire Arms
- 27 Abandoned cars
- 42 Sanitation and Board of Health
- 25 Public nuisance
- 20 Welfare
- 77 Vehicle and traffic
- 36 Property (Lost or Found)
- 12 Property (Damaged or Repossessed)
- 13 Emergency calls
- 3 Suicide (Attempt)
- 56 Animals (Other than dogs)
- 6 Zoning violations
- 910 Noncriminal complaints investigated

ARREST

Driving while intoxicated	1
Assault - 2nd degree	2
Assault - 3rd degree	11
Desertion Non support	1
Disorderly Conduct	12
Criminal negligence	1
Labor Law	1
Leaving scene of accident	1
Larceny - Petit	3
Libel	1
Public Intoxication	12
Town Ordinance	22
Indecency	1
Robbery	2
Vagrancy	1
Total	72

A total of two hundred and ten (210) escorts were made also two thousand eight hundred and fifty telephone calls were received.

There were three hundred and seventeen (317) Motor vehicle and town ordinance cases and thirty six (36) violations of the Penal Law brought before the Town Justices of Peace with a total of two thousand and eleven dollars (\$2011.00) in fines collected.

WALTER LIEBERT
Chief of Police
Town of Clarkstown

Mr. McIntyre moved the report of the Chief of Police be approved and accepted.

Seconded by Mr. Schmersahl Carried

Mr. Frederick R. Engels, Justice of the Peace, then read his report for the year 1946 as follows:-

REPORT OF FREDERICK R. ENGELS, JUSTICE OF THE
PEACE OF THE TOWN OF CLARKSTOWN FOR YEAR
JANUARY, 1946, TO DECEMBER 30, 1946.

TOTAL FINES and fees collected and turned over to
Comptroller of the State of New York \$2167.60

CASES DISPOSED OF

Total number of cases disposed of 420
Consisting of the following:

ABD 673

1. Motor Vehicle infractions	148
2. Motor Vehicle Miscellaneous	129
3. Town Ordinance violations (Motor Vehicle)	64
4. Disorderly Conduct	10
5. Public Intoxication	8
6. Assault third degree	6
7. Petit larceny	2
8. Indecent exposure	1
9. Vagrancy	1
10. Malicious Mischief	1
11. Abandonment	1
12. Jury trials	4
3 Civil	
1 Criminal	
13. Grand Jury	3
2 Robbery 1st degree	
1 Unlawful entry	
14. Civil actions	30
15. Conservation cases	<u>12</u>
Total	420

In addition to the foregoing a great many persons with complaint were consulted with and appropriate action taken to dispose of the matter without official court action.

Also many civil actions contemplated for litigation were adjusted satisfactorily with the parties by the court without litigation.

The Chief of Police and the Police Department of the Town of Clarkstown have, as usual, been very cooperative with the Court and deserve commendation for the smoothness of the performance of their police duties in connection with the Court activity.

Court was held regularly on every Monday evening during the year and during the time the fire house at Nanuet was unavailable for Court room purposes, Court was held at the Police Headquarters in Nanuet, New York, and many months rent was saved the tax payers. Court is now being held at the Court Room, Fire House, Nanuet, New York.

During the past year the undersigned performed all the duties of Justice of the Peace during several of the months of the year due to the vacancy created during the earlier months and the later months of the year.

Dated: December 30th, 1946

FREDERICK R. ENGELS,
Justice of the Peace

Mr. Eberling moved that the report of Frederick R. Engels as Justice of the Peace be approved and accepted.

Seconded by Mr. McIntyre Carried

The Board then examined the Civil and Criminal Dockets of Judge Engels.

Mr. Eberling moved that the Civil and Criminal Dockets of Judge Engels for the year 1946 be approved and accepted.

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

Mr. Dillon read the report of Theodore F. Meier as Justice of the Peace as follows:-

THEODORE F. MEIER
JUSTICE OF THE PEACE
TOWN OF CLARKSTOWN
NEW YORK

December 30, 1946

Miss Cora M. Martling
Town Clerk of Clarkstown
New City, N.Y.

Dear Miss Martling:

In reply to your request of December 23, 1946, please be advised that I have handled six (6) vehicle and traffic cases with fines totalling \$35.00, which will be payable to the State Comptroller on January 1st, 1947.

I have had no civil cases as yet and one criminal case which was turned over to the District Attorney for prosecution.

My three dockets are herewith presented for the Board's examination.

Very truly yours,

(Signed) THEODORE F. MEIER

Theodore F. Meier
Justice of the Peace

TFM/am

Mr. Schmersahl moved the report of Judge Meier be accepted and approved.

Seconded by Mr. McIntyre Carried

The Board then examined the Civil and Criminal Dockets of Judge Meier.

Mr. Schmersahl moved that the Civil and Criminal Dockets of Judge Maier from Nov. 5th to the present date be approved and accepted.

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

Mr. Dillon read the report of Stephen G. Doig as Justice of the Peace from Jan. 1st to Nov. 5th as follows:

STEPHEN G. DOIG, JR.
 JUSTICE OF THE PEACE
 TOWN OF CLARKSTOWN, ROCKLAND COUNTY
 NEW YORK

December 30, 1946

Town Board of the Town of Clarkstown
c/o Miss Cora M. Martling, Town Clerk
New City, New York

Dear Sirs:

During the period from March 1, 1946 until November 5, 1946 at which time I held office as Justice of the Peace, Town of Clarkstown, I handled the following cases:

Traffic - - - - -	214
Criminal, without jury - - - -	33
Criminal, with jury - - - - -	1
Indictable cases sent to the Grand Jury - - - - -	2
Civil, without jury - - - - -	19
Civil, with jury - - - - -	2

The traffic cases yielded in fines a sum of \$1,090.00 and \$70.00 were collected from the criminal cases. Certain Justice fees are still outstanding in civil cases, and I shall render a supplemental report at a later date with respect to the monies collected and to be collected in the civil matters.

Very truly yours,

STEPHEN G. DOIG, JR.

SGDJr LD

Mr. Eberling moved the report of Judge Doig be approved and accepted.

Seconded by Mr. Welchman Carried

The Board then examined the Civil and Criminal Dockets of Judge Doig.

Mr. McIntyre moved that the Civil and Criminal docket of Judge Doig for the period from Jan. 1st to Nov. 5th be approved and accepted.

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

Mr. Joseph Mutinsky, Building Inspector, then read his report for the year 1946 as follows:-

ANNUAL REPORT
OF
JOSEPH F. MUTINSKY, BLDG. INSPECTOR
1946

Dated Dec. 28, 1946

<u>Month</u>	<u>Permits Issued</u>	<u>Variance</u>	<u>Fees Collected</u>	<u>Fee Paid To Supervisor</u>
January	20	1	\$ 118.00	\$118.00
February	19	-	159.50	159.50
March	41	2	271.00	271.00
April	49	1	262.50	262.50
May	30	1	162.00	162.00
June	21	-	96.00	96.00
July	15	-	58.00	58.00
Aug.	46	-	186.50	186.50
Sept.	27	-	116.50	116.50
Oct.	35	-	151.00	151.00
Nov.	15	-	74.50	74.50
Dec.	20	-	101.50	101.50
Total Permits Issued 338		Total Var. 6	Total Fees Collected 1,757.00	Total Fees Paid To Supervisor \$1757.00

Respectfully Submitted

JOSEPH F. MUTINSKY
Building Inspector
Town of Clarkstown

Mr. Eberling moved the report of the Building Inspector be approved and accepted.

Seconded by Mr. McIntyre

Carried

ABD 673

Mr. Dillon read the report of John J. Harrison, Veterans Welfare Officer for the year 1946 as follows:

VETERANS WELFARE OFFICE

TOWN OF CLARKSTOWN

NEW CITY, N.Y. December 26, 1946

VETERAN RELIEF EXPENDITURES

From January 1, 1946 to December 31, 1946

OUTDOOR RELIEF - REIMBURSABLE - - - - - \$607.20

JOHN J. HARRISON,
Veterans Welfare Officer

Mr. Schmersahl moved the report of the Veterans Welfare Officer be approved and accepted.

Seconded by Mr. Welchman Carried

Mr. Dillon read the report of Frank Kemmer, Welfare Officer, for the year 1946 as follows:-

WELFARE OFFICE

TOWN OF CLARKSTOWN

NEW CITY, N.Y. December 27, 1946

RELIEF EXPENDITURES FROM JANUARY 1ST, 1946 to DECEMBER 31, 1946.

Outdoor Relief Reimbursable - - - - -	\$4,363.76	
Outdoor Relief Nonreimbursable - - - - -	23.00	
Total - - - - -		\$4,386.76
Hospitalization - - - - - (9 cases)		757.00
Burials - - - - - (1)		100.00
Total Expenditures		\$ 5,243.76

FRANK W. KEMMER,
Welfare Officer

Mr. Eberling moved the report of the Welfare Officer be accepted.

Seconded by Mr. Schmersahl Carried

Mr. Dillon read the report of the Zoning Board of Appeals for the year 1946 as follows:-

ZONING BOARD OF APPEALS

TOWN OF CLARKSTOWN

ANNUAL REPORT

The Zoning Board of Appeals of the Town of Clarkstown held

- 12 Regular Meeting
- 4 Special Meetings
- 7 Public Hearings on Appeals

December 30, 1946

W. REGINALD HERDMAN
Chairman

Mr. Welchman moved the report of the Zoning Board of Appeals be approved and accepted.

Seconded by Mr. Eberling

Carried

Mr. Dillon then read the report of the Planning Board for the year 1946 as follows:-

PLANNING BOARD

TOWN OF CLARKSTOWN

December 27th, 1946

ANNUAL REPORT

PLANNING BOARD OF CLARKSTOWN.

Mr. Irving F. Dillon, Supervisor,
Town Board of Clarkstown,
New City, New York.

Dear Mr. Dillon:-

Below you will find a brief report of the Planning Board during the brief period of its existence. We have held four regular meetings and two joint meetings with the Zoning Board of Appeals.

During these meetings we have had under consideration the application of Mr. Garret Miller asking for rezoning of part of his property on Route 59, West Nyack. After giving much thought and consideration to Mr. Miller's application, our Board unanimously submitted to the Board of Clarkstown certain recommendations thereon, the contents of which are on file in your office.

We also considered a simple Building Code, which, after due consideration was unanimously approved by our Planning Board and by resolution recommended its approval to your Board, which also is on file in your office.

Our joint meeting with the Zoning Appeals Board was taken up with the study of certain sections of the Zoning Ordinance, in view of recommendation of revision of certain sections of the existing ordinance, which has also been submitted to you for consideration and disposition.

This Planning Board appreciates your fine cooperation in all matters which come before them, and be assured that during the coming year we will endeavor to give all matters coming before us impartial and conscientious consideration, and with your cooperation we expect to make great progress in the year 1947 in planning for the future Clarkstown.

With best wishes to all for A Happy New Year,

Sincerely yours,

JOHN ELLIOTT

JE.A

Mr. Schmersahl moved the report of the Planning Board be approved and accepted.

Seconded by Mr. Welchman

Carried

Mr. Dillon then told the Board that the Planning Board would like the Town Board to meet with them in joint session on January 7th, 1947 at 8:00 P.M. The Board then agreed that this date was satisfactory, and Mr. Dillon said that he would advise Mr. Elliott accordingly.

Mr. Dillon then read the report of Dr. Marjorie R. Hopper, Health Officer, for the year 1946 as follows:-

MARJORIE R. HOPPER, M.D.
HEALTH OFFICER
TOWN OF CLARKSTOWN - NEW YORK

Nyack, N.Y.

ANNUAL REPORT - for 1946

Communicable diseases reported

Measles	24
Scarlet fever	13
Chicken pox	12
pneumonia	1
meningitis	1
poliomyelitis	1
whooping cough	1

On March 22, 1946, the Commissioner of Public Health put the Town of Clarkstown and the rest of the County under Rabies quarantine. A Rabies Advisory Council was formed to deal with the problem on a county basis. A series of clinics were held at which the veterinarians of the county vaccinated 3309 dogs of the estimated 6700 in the county. Some 250 more were done during this period in private bringing the percentage to about 53%. This was felt to be very good for the first attempt begun late in the year, but falls short of the 70% required for designation as a vaccinated area.

Milk permits issued 20. One farm was visited because of unsanitary conditions and correction was made.

Swimming pools visited and permits issued 14.

Toxoid-Vaccination clinics were held in Nanuet, New City, Congers, Street school, West Nyack and Chestnut Grove.

Preschool clinics 18.

A private school was inspected.

There were 4 deaths from natural causes unattended by a doctor.

There were 3 emergency commitments to Rockland State Hospital.

34 Samples of water were collected and sent for examination.

They were all in passing condition.

There were 35 complaints investigated: 27 sewage, 4 refuse, 1 outhouse, 1 pigs, 1 winery, 1 unsanitary living conditions. In this connection several houses were dyed to find the source of sewage effluent in two cases.

M. R. HOPPER, M.D.
H. O.

Mr. Eberling moved that the report of Dr. Hopper be approved and accepted.

Seconded by Mr. Welchman

Carried

Mr. Dillon then read the report of the Town Attorney for the year 1946 as follows:-

JEROME TRACHTENBERG

ATTORNEY AT LAW

79 Main Street, Nyack, N.Y.

December 26, 1946

Town Board of the Town of Clarkstown
New City, New York

Gentlemen:

I herewith submit my annual report for the year 1946.

TOWN BOARD MEETINGS

I attended all of the regular Board meetings held during the year and also the several special meetings that were called. I drafted and submitted a number of resolutions proposed at the various meetings in accordance with the direction received from the Board.

ZONING BOARD OF APPEALS

With the exception of three meetings, I attended all of the regular monthly meetings of the Zoning Board of Appeals. I also attended the several special meetings that were called on hearings held to consider petitions filed for variances. I also attended the joint meetings held by the Zoning Board and the Planning Board.

PLANNING BOARD

Since its inception I attended all but one of the Planning Board meetings.

LITIGATION

New York Trap Rock Company against Town of Clarkstown

This case has been pending since 1942. There had been no disposition in prior years because of the fact that one of the plaintiff's important witnesses was overseas. At the beginning of this year I was substituted as attorney of record for the Town. A motion was made to permit the Town to file an amended answer. This was brought about because of a decision of the Court last year in denying an application for an examination before trial. The motion was granted and an amended answer was prepared and served. The plaintiff has taken an appeal from that order and an appeal is now pending and will have to be disposed of before the main issues in the case itself are heard.

Tolstoy Foundation

This matter, pending at the beginning of the year, was a proceeding brought by the Tolstoy Foundation to cancel an assessment against their property on the ground that they are a charitable institution and not subject to taxation. I have had several conferences with the attorney representing the petitioner and as a result of these conferences, there was a meeting attended by the Board of Assessors and two of the representatives of the Tolstoy Foundation beside their respective attorneys. This conference resulted in a compromise whereby the Tolstoy Foundation agreed to permit certain of their property to be assessed. In 1941 in the proceeding determined that year, the Court declared the property tax exempt and ordered the assessments stricken from the roll. In my opinion, if this proceeding would have continued through a hearing, the Court's decision would have been the same so that a compromise was to the benefit of the Town.

The People of the State of New York against Walter Banziga and Others

This case grew out of a violation of a section of the Town Ordinance that was adopted last year and had to do with the violation of the section relating to parking. At the request of the Chief of Police I appeared on behalf of the complainant. The case was tried before Judge Engels. The defendants, four in number, plead guilty and were fined.

Matter of Zebrowski

This proceeding was instituted by Zebrowski for a review of the decision of the Zoning Board of Appeals based on the denial of an application for a variance of the Building Zone Ordinance so that he could establish a funeral home in New City. The matter was argued before the Court at a Special Term and the Court, in its decision, sent the entire matter back before the Zoning Board for the purpose of taking further testimony. At a subsequent hearing before the Zoning Board of Appeals, the Board, in the light of the decision of the Court, granted the variance. The proceedings were discontinued.

Matter of Carworth Farms

This proceeding was instituted by the petitioner in the Supreme Court for a review of an assessment levied against its property. After a conference between the petitioner, petitioner's attorneys, and the Board of Assessors, this matter was settled by a reduction of \$3,000.00 in the said assessment and the Court order, without any prejudice to either party as to any future assessment, was entered.

Solomon against Board of Assessors and Others

This action was instituted in the Supreme Court by the plaintiff against the Town, the County and another individual. The action has to do with a tax sale against certain property in Nanuet. Through this action, the plaintiff is endeavoring to get a decree of the Court, declaring that a certain tax deed that he bought against one piece of property relates in fact to another piece of property. The case is at issue and may be tried in 1947.

Matter of Village of Spring Valley against The Town of Clarkstown

This is a Certiorari proceedings brought by the Village of Spring Valley against the Town for a decree of the Court, declaring the assessment against the disposal plant owned by the Village located in the Township as null and void. The circumstances surrounding this situation is a novel one in view of the fact that I have been unable to find any case law similar in this State. Whether or not the assessment is legal in view of these circumstances is a question that will have to be determined by the Courts and this proceeding may have to go to the Court of Appeals for a final determination. The assessment is a substantial one and the question involved is such that getting other than a court proceeding to determine it would appear inadvisable.

OPINIONS TO TOWN OFFICIALS

During the year I have been called upon by the Supervisor, the Town Clerk, the Superintendent of Highways, the Receiver of Taxes, the Board of Assessors, the Police Department, the Welfare Department and several fire districts for opinions on questions of law with which requests I complied.

MISCELLANEOUS

At the direction of the Town Board I filed an application with the Post War Planning Commission in behalf of a sewer district in Nanuet and in Central Nyack.

At the request of the Police Department I assisted in the negotiations to remove a building situated at Lake and Clinton Streets in Spring Valley, New York on the Goldman property which created a driving hazard at the said corner. This building was removed.

At the direction of the Board of Health, I wrote several letters to persons violating the Health Law in the Township.

I communicated with the State Traffic Commission with regard to a restricted parking area in Nanuet and as a result, certain areas were designated and parking restrictions were permitted.

I have communicated with the State Traffic Commission in an effort to have a controlled signalization at the corners of Lake Road and Route 303. Despite my several letters with an urgent appeal, this request has not been granted and the matter is still pending.

I prepared an application permitting the Town Board to acquire certain roads in New City Park that did not meet the statutory requirements regarding the width. The application was approved and the certificate issued by the Department of Public Works. The Town was permitted to annex these roads. I prepared all the papers in connection with the entire matter, including the contract and the deed, thus terminating a situation that has existed for several years past.

I prepared a contract with one Besso relating to the privilege of dumping and filling in certain swamp lands owned by him.

I have been requested to prepare a code to cover fire prevention and building in the Township. I am presently working on those matters.

In addition, there have been a number of miscellaneous items I was called upon to do, such as to pass upon the legality of proceedings involving the dedication of a road, the petitions filed for a change in the Building Zone Ordinance, the preparation of different resolutions required for publication and writing of letters on various matters.

I attended the convention of the Association of Towns held in February and on one occasion I visited the Attorney General's office and the Comptroller's office at Albany to discuss certain matters involving the Township.

Respectfully submitted,

JEROME TRACHTENBERG
Town Attorney
Town of Clarkstown

Mr. Eberling moved the report of the Town Attorney be approved and accepted.

Seconded by Mr. Schmersahl

Carried

Mr. Dillon then told the Board that there is a balance of \$97,355.61 in the Town treasury, which is the highest balance in eleven years. He said that under the law he has thirty days in which to prepare his Comptroller's report, and that it was not as yet ready.

Mr. Dillon read a letter from Salvatore Serino resigning his position as Patrolman in the Police Dept.

Mr. Eberling moved the resignation of Salvatore Serino be accepted and placed on file.

Seconded by Mr. Schmersahl

Carried

Mr. Dillon then told the Board that if agreeable the next regular meeting of the Board would be held on January 10th, 1947 at 3:00 P.M. This was agreeable to all the members of the Board.

Chief Liebert then told the Board that he had received a request to move the fire hydrant on Main Street to Prospect Street, in Nanuet.

Mr. Eberling moved that the Spring Valley Water Works & Supply Co. be requested to move the fire hydrant on Main St. to Prospect Street in Nanuet.

Seconded by Mr. Schmersahl

Carried

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

Seconded by Mr. Schmersahl

Carried

Meeting adjourned until Friday, January 10th, 1947 at 3:00 P.M.

Cora M. Martin

Town Clerk of Clarkstown