

TOWN BOARD MEETING

Sept. 19, 1947

Town Clerk's Office

3:00 P.M.

- Present: Mr. Schmersahl
 Mr. McIntyre
 Mr. Welchman
 Mr. Eberling
 Mr. Dillon

Mr. Dillon called the meeting to order.

Mr. Welchman moved that the minutes for the regular meeting held on August 8th, 1947 and the Special Meeting held on August 15th, 1947 be accepted.

Seconded by Mr. Eberling

Carried

Mr. Leon Dornbush of Bardonia appeared before the Board as spokesman for the home owners of Bardonia and requested the Town Board to pass a resolution asking the Spring Valley Water Works & Supply Co. to extend their water service up to Bardonia. He told the Board that since Bardonia is in the Nanuet Fire Dist. the people felt that there should be no difficulty in helping them get water.

Mr. Dillon then carefully reviewed the contract between the Town and the Spring Valley Water Works & Supply Co. He told Mr. Dornbush that in the contract, they speak of a map and when they speak of installing additional hydrants they may mean the district outlined on the map. He further added that the contract is for a water supply district, and since Bardonia is not in this district, it may be necessary to create a district in order to provide water for Bardonia. Mr. Dillon further stated that he had conferred with the Spring Valley Water Company, and that at the present time their financial standing will not permit them to install the mains. They suggest that the Town create a district. Mr. Dillon stated that in his opinion the only way would be to create a large enough district which would include Oakbrook, Bardonia and New City. He further said that the matter would have to be referred to the Town Attorney.

The Town Board decided to have the Town Attorney check the matter further.

Mr. Dillon read a letter from Robert Solomon, Pres. New City Operating Corp. requesting the Board to take over as Town roads Evergreen

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Read East and Evergreen Road West in New City.

Mr. Schmersahl moved that the letter from Mr. Solomon be referred to Mr. Klein, Supt. of Highways, with the request that he kindly submit his recommendations on Evergreen Road East and Evergreen Road West in New City.

Seconded by Mr. Welchman

On roll call, the vote of the Board was as follows:-

Mr. Schmersahl	Yes
Mr. McIntyre	Yes
Mr. Welchman	Yes
Mr. Eberling	Yes
Mr. Dillon	Yes

A street opening permit was then approved and granted to Joseph Quick under section 149 of the Highway Law.

Mr. Schmersahl moved the Board adjourn 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. Welchman, seconded by Mr. Eberling and unanimously carried, the Board reconvened into regular Town Board meeting.

Mr. Eberling moved the appointment of the following Democratic Inspectors of Election:-

Dist. #13, New City -	Estelle Walters
	James H. Kelly
Dist. #1, New City	John J. Driscoll in place of James H. Kelly

Seconded by Mr. Schmersahl

On roll call, the vote of the Board was as follows:-

Mr. Schmersahl	Yes
Mr. McIntyre	Yes
Mr. Welchman	Yes
Mr. Eberling	Yes
Mr. Dillon	Yes

Mr. McIntyre moved that Fred Schiebelhuth be appointed Custodian of the Voting Booths for Election Dist. #9, Centenary.

Seconded by Mr. Schmersahl

On roll call, the vote of the Board was as follows:-

Mr. Schmersahl	Yes
Mr. McIntyre	Yes
Mr. Welchman	Yes
Mr. Eberling	Yes
Mr. Dillon	Yes

Mr. McIntyre moved that the Supt. of Highways, Emil Klein, be authorized to attend the State Highway Supts. Convention at Syracuse, N.Y. on Sept. 17, 18 and 19th.

Seconded by Mr. Schmersahl

On roll call, the vote of the Board was as follows:-

Mr. Schmersahl	Yes
Mr. McIntyre	Yes
Mr. Welchman	Yes
Mr. Eberling	Yes
Mr. Dillon	Yes

Mr. McIntyre moved that the Supt. of Highways be authorized to purchase one highway sand and cinder spreader.

Seconded by Mr. Schmersahl

On roll call, the vote of the Board was as follows:-

Mr. Schmersahl	Yes
Mr. McIntyre	Yes
Mr. Welchman	Yes
Mr. Eberling	Yes
Mr. Dillon	Yes

Mr. Eberling moved that the Supt. of Highways be authorized to purchase a 3-4 ton dump truck, Model H.R. at a price of \$8,388.00.

Seconded by Mr. Schmersahl

On roll call, the vote of the Board was as follows:-

Mr. Schmersahl	Yes
Mr. McIntyre	Yes
Mr. Welchman	Yes
Mr. Eberling	Yes
Mr. Dillon	Yes

Mr. Hersel Smith then appeared before the Board regarding the water for residents of Oakbrook. He asked if anything had been heard from the Spring Valley Water Co. regarding the extension of water mains to Oakbrook.

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Mr. Dillon then stated that to extend the district to Oakbrook would cost about \$35,000. and it couldn't be done until next spring because they can't get the pipe. Also, the water company is unable to extend the mains because they haven't the money. They have suggested that a larger district be formed to be handled by the Town which would include Oakbrook, West Nyack and Nanuet. Mr. Dillon stated that he had talked with Mr. Berman about the situation at Oakbrook, and he suggested to Mr. Smith that possibly Mr. Berman might be able to get Mr. Shine to come up here for a conference. Mr. Dillon said that he would be willing to meet with them and see if Mr. Shine would continue the water until sometime next year when the Town may be able to get water for Oakbrook.

Mr. Dillon further stated that the Health Officer, Dr. Hopper, says that this matter is not a Health matter, but that he is having the Town Attorney check it so that he will know definitely when they meet with Mr. Shine.

Mr. Smith then told the Board that the people in Oakbrook pay \$30.00 per day for water, and that if they have a 2-family house, they must pay \$60.00 per year, and pray to God they get the water. He said that they can't use their toilets many times, and the women can't wash their clothes. Mr. Smith further added that Mr. Shine wants \$7,000. for the equipment, and the well drillers want \$2,000. to put in wells, but something must be done.

Mr. Dillon told Mr. Smith that he would have the Town attorney check whether Mr. Shine can stop the water and also if it is a health menace.

Mr. Smith then said that he would contact Mr. Berman and see if he can get Mr. Shine up here for a conference.

Mr. Dillon then presented a letter from Lederle Laboratories, Inc. regarding the odors emanating from their laboratories in Pearl River. They advised the Board that they are at present in the process of installing cyclone filters which they believe will eliminate the odor vapors which has been causing the trouble.

Mr. Dillon read a letter from Rockland Light & Power Company in which they submit their recommendations relative to the light at the Erie R.R. underpass on Route 59, Nanuet.

Mr. Welchman moved the following resolution:-

RESOLVED, that a 1000 lumens street light with 8 ft bracket and #1 fixture be installed at the east end of the Bus Station near Nanuet

Milk Farm at an annual cost to the Lighting Dist. of \$25.00.

Seconded by Mr. Eberling

On roll call, the vote of the Board was as follows:-

Mr. Schmersahl	Yes
Mr. McIntyre	Yes
Mr. Welchman	Yes
Mr. Eberling	Yes
Mr. Dillon	Yes

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

Seconded by Mr. Welchman Carried

After issuing a garbage permit to Capasso Brothers in Board of Health Meeting, on motion of Mr. Welchman, seconded by Mr. Eberling and unanimously carried, the Board reconvened into regular Town Board meeting.

Mr. Dillon read a letter from the Spring Valley Water Works & Supply Co. in which they request permission to relocate a hydrant on St. Anthony's Ave., Nanuet.

Mr. Schmersahl moved the following resolution:-

RESOLVED, that the Spring Valley Water Works & Supply Co. be authorized to relocate the hydrant installed at the northeast corner of St. Anthony Avenue and DeClark Place to a point on the north side of St. Anthony Avenue 25 feet east of the east curb line of DeClark Place, and

FURTHER RESOLVED, that the Town Clerk be directed to sign the sketch for the new location.

Seconded by Mr. Welchman

On roll call, the vote of the Board was as follows:-

Mr. Schmersahl	Yes
Mr. McIntyre	Yes
Mr. Welchman	Yes
Mr. Eberling	Yes
Mr. Dillon	Yes

Mr. Luroy Rhodes then appeared before the Board regarding the proposed taxi shelter in Nanuet.

Mr. Dillon then read a letter from Rockland Coaches in which they state that they are agreeable to stop at the bus shelter proposed by Mr. Rhodes, subject to approval by the Town.

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Mr. Rhodes then told the Board that he would like to know what action the Board intended to take in this matter, as he has spent money in having plans made and would like to proceed with the work.

Mrs. Simon then appeared before the Board and stated that she could see no advantage in the proposed bus shelter, since in her opinion it would not do the general public any good. She stated that it appeared to be a vindictive affair between two taxi men. She further stated that it is not safe, since people would have to cross the highway and walk to the shopping district from the busses. She said that often she gets off the bus with parcels and has children with her, and crossing the highway would be difficult. She further pointed out that the bus station where it is now is in full view of the police department, and they have an opportunity to see who gets off the busses coming in from New York City. She stated she was not in favor of the proposed bus shelter.

Mrs. Edna Jones then appeared and said that she didn't have very much to say, but that she thinks a difference between two taxi men should not be allowed to dictate public policies. She stated that the way this has been handled it appears to be a move to create a monopoly. She said it is an American privilege for a man to come in and start a business. She told the Board that during the war the service Mr. Rhodes gave was terrible, and she cited one instance when she called for a taxi, he didn't come, and when she realized that he wasn't coming, it was too late to keep an engagement she had made. She said that the town has outgrown the taxi business, and that there is room for more than one.

Mr. Morris appeared to protest the building of the bus shelter from a safety angle.

Chas Liebert, when asked to comment, told the Board that he felt a shelter was a good thing. However, he would not be agreeable to parking cars on Main St. and he felt that the shelter should be kept the same distance from Mr. Rhodes place of business that it now is.

Mr. Rhodes then told the Board that he did not intend to create a monopoly, and he further added that the shelter has been discussed for some time, and that there has been people who believe there is a need for it. He stated that anyone can come there and pick up and discharge passengers, but he does not want it to become a place of business. Mr. Rhodes further stated that during the war no additional cabs were allowed and gas was rationed, so that many people had to wait for taxi cabs.

Mr. Dillon then stated that in making his decision regarding whether or not the shelter should be permitted, he intended to be guided by whether it was a good thing for the people of Nanuet and for no other reason.

Mr. Welchman then moved that the matter be held over to get more information from the bus company before taking final action.

Seconded by Mr. Eberling Carried

Mr. Schmersahl moved that the Town Board accept the deed to property in New City for a new Town Hall, and that the Supervisor be authorized to pay the balance of \$2700. due.

Seconded by Mr. Welchman

On roll call, the vote of the Board was as follows:-

Mr. Schmersahl	Yes
Mr. McIntyre	Yes
Mr. Welchman	Yes
Mr. Eberling	Yes
Mr. Dillon	Yes

Mr. Welchman moved the following reports of Town Officials, covering the month of August, 1947 be approved and accepted.

- Supervisor's Report
- Town Clerk's Report
- Building Inspector's Report
- Police Report
- Welfare Officer's Report
- Veterans Welfare Officer's Report

Seconded by Mr. McIntyre Carried

Mr. Dillon read a letter from F. Secor, requesting that a light be removed from a pole near his home, since it brought a large number of insects that were most annoying.

There was no action taken.

Mr. Dillon reported that he had conferred with Mr. Fajen relative to a lease for the Town Clerk's Office, and that he is agreeable to rent the office at \$55.00 a month beginning Oct. 1st for any time the Board wishes. The Town, however, is to do the painting of the office.

Mr. Eberling moved that the Supervisor be empowered to get a lease from Mr. John Fajen for the Town Clerk's office at a rental of \$55.00 per month.

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Seconded by Mr. Schmersahl

On roll call, the vote of the Board was as follows:-

Mr. Schmersahl	Yes
Mr. McIntyre	Yes
Mr. Welchman	Yes
Mr. Eberling	Yes
Mr. Dillon	Yes

Mr. Eberling moved that the contract for painting the Town Clerk's office be given to Richard Cordwell at a cost of \$183.50.

Seconded by Mr. Welchman

On roll call, the vote of the Board was as follows:-

Mr. Schmersahl	Yes
Mr. McIntyre	Yes
Mr. Welchman	Yes
Mr. Eberling	Yes
Mr. Dillon	Yes

Mr. Dillon then asked Mr. Trachtenberg if he had anything to report on the moving of the veterans from Brick Church Cemetery.

Mr. Trachtenberg told the Board that he had checked the records, and it appeared Clarkstown had paid for the removal of the civilian bodies and not the veterans. He said that it appeared to be a county matter rather than a town matter.

The Board then requested Mr. Trachtenberg to write Mr. Loescher a letter advising him that this matter is a county charge and not a town one.

Mr. Trachtenberg then reported on the Hantmann case. He said that Judge Flannery granted a Temporary Injunction which was entered August 21st. The police served all the tenants in the building, but Hantmann left the premises and could not be found. Mr. Hantmann's attorney got an order to show cause signed by Judge Schmitt and returnable before him on August 21st. He heard the argument in his chambers and not in open court. Mr. Trachtenberg said he told Judge Schmitt that he had no jurisdiction or authority to discharge Judge Flannery's order, and that Hantmann should have applied to Judge Flannery or gone to the Appellate Division. He further added that Hantmann did not submit an affidavit over his signature. Mr. Trachtenberg said that some question was raised about Yetta Hantmann being served. He told the Board that Mr. Hantmann told him that she was in California, but that he located her in Long Island. Mr. Trachtenberg said

that he asked her attorney to be present, but her attorney said that she relinquished all her rights to the property to Mr. Hantmann. Mr. Trachtenberg told the Board that Judge Schmitt told him that he would not render an opinion but leave it to Judge Flannery. Mr. Trachtenberg said that Judge Flannery has been away, but that there will be court next week, and he will go over next Monday and make an effort to re-argue the case.

Mr. Dillon then told the Board that a list of eligibles for the position of Building and Zoning Inspector has been certified by the State Dept. of Civil Service. Two persons took the examination which was held on May 10th, 1947, and Joseph F. Mutinsky is the only one who passed the examination. He has been certified as eligible for permanent appointment to the position.

Mr. Eberling moved that Joseph F. Mutinsky be appointed to the position of Building and Zoning Inspector.

Seconded by Mr. Dillon

Mr. McIntyre then stated that he felt the list should be turned back and that the Board ask for a new examination.

Mr. Dillon then said that he did not understand why the list should be rejected, since two people took the examination, and that the person who passed the examination has been certified for appointment. He further stated that there were other applications, but only two were sufficiently interested to take the test. He also reminded the Board that according to the Civil Service Commission Mr. Mutinsky's appointment terminated on Sept. 15th, but that they were willing to continue him since he was eligible for permanent appointment.

On roll call, the vote of the Board was as follows:-

Mr. Schmersahl	No
Mr. McIntyre	No
Mr. Welchman	No
Mr. Eberling	Yes
Mr. Dillon	Yes

Mr. McIntyre then moved that the Civil Service List covering the Building & Zoning Inspector dated August 28th, 1947 be rejected, and that the Civil Service Commission be requested to hold a new examination.

Seconded by Mr. Welchman

On roll call, the vote of the Board was as follows:-

Mr. Schmersahl	Yes
Mr. McIntyre	Yes
Mr. Welchman	Yes
Mr. Eberling	No
Mr. Dillon	No

Mr. Dillon then asked the Board what they intended to do about the vacancy that now existed, since the Town was without a Building Inspector and the Zoning Ordinance must be enforced.

Mr. McIntyre then inquired of Mr. Dillon what could be done, and Mr. Dillon replied that he had stated his position and was waiting for any suggestions Mr. McIntyre had to offer.

Mr. McIntyre then asked Mr. Mutinsky if he would be willing to serve temporarily as Building Inspector.

Mr. Mutinsky told Mr. McIntyre that if the Board did not have sufficient confidence in him to appoint him Building Inspector that he would not consider a temporary appointment.

Mr. McIntyre moved that George R. Murdock be appointed Building & Zoning Inspector under a provisional appointment pending the establishment of a civil service list at a salary of \$1000. per year.

Seconded by Mr. Welchman

On roll call, the vote of the Board was as follows:-

Mr. Schmersahl	Yes
Mr. McIntyre	Yes
Mr. Welchman	Yes
Mr. Eberling	No
Mr. Dillon	No

Mr. Dillon then stated that there would be a special meeting on Oct. 3rd, when all budget estimates must be in. The meeting is called for 3:00 P.M. in the Town Clerk's office.

Chief Liebert then told the Board that he is having trouble with one of the police cars which has gone over 60,000 miles. He said he had money available and would like to purchase a new car.

Mr. Schmersahl moved that the Chief of Police purchase a new police car.

Seconded by Mr. Welchman

On roll call, the vote of the Board was as follows:-

Mr. Schmersahl	Yes
Mr. McIntyre	Yes
Mr. Welchman	Yes
Mr. Eberling	Yes
Mr. Dillon	Yes

Chief Liebert then asked the Board to consider Section 68-B of the Civil Service Law with a view towards adopting it. Chief Liebert said that under the new setup, you can retire after 25 years of service regardless of age, but the applicant must pay twice as much in contributions. The Town also would have to pay an additional amount.

The Board decided to check the matter further before taking any action.

The Board then conferred with the Town Attorney regarding the extension of the Nanuet Lighting Dist.

Mr. McIntyre moved the following resolution:-

WHEREAS, a written petition, dated May 7th, 1947, in due form and containing the required signatures, has been presented to and filed with the Town Board of the Town of Clarkstown, Rockland County, New York, for the extension of the Nanuet Lighting District in the said Town, to be bounded and described as follows:

BEGINNING at a point in the Easterly side of Grandview Avenue which point is distant 150 feet Northerly from the corner formed by the intersection of the Northerly side of Prospect Avenue with the Easterly side of Grandview Avenue, and running thence (1) in an Easterly direction on a line parallel with the Northerly side of Prospect Avenue, along the dividing line between Lot No. 6 and Lot No. 7 in Block F as shown on a certain map entitled map of Nanuet Heights, by Beckerle and Wright, Inc., dated September 1925, a distance of 150 feet; and running thence (2) in a Northerly direction on a line parallel with the Easterly side of Grandview Avenue along lots No. 7 to and including No. 25 in said Block F, a distance of 935 feet more or less; continuing thence (3) in a Northerly direction parallel with the Easterly side of Grandview Avenue across the premises now or formerly of Nichols and premises now or formerly of Cady to the Southerly line of Block A, Map of Nanuet Homes; thence (4) westerly 31 feet to the southeasterly corner of Lot 22, Block A, Map of Nanuet Homes, and continuing thence (5) in a Northerly direction parallel with the Easterly side of Grandview Avenue, along the rear of Lots No. 18 to and including 22 in Block A, as shown on map of Nanuet

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Homes, dated October 1940; and continuing thence (6) in a Northerly direction and crossing proposed Thomas Court, and along the rear of lots No. 1 through 7 inclusive in Block A to the Northeasterly corner of Lot No. 1, Block A, Map of Nanuet Homes, continuing thence (7) in a Northerly direction parallel with the Easterly side of Grandview Avenue across premises now or formerly of Fanos and along the rear of property now or formerly of Pritz, and in a Northeasterly direction along the rear of property now or formerly of Schmerzler, to the Southerly side of the Nyack Turnpike; and continuing thence (8) along the said side of the Nyack Turnpike crossing Grandview Avenue and along the Northerly side of Lot No. 16 and Lot No. 1 in Block F, Map of Nanuet Homes, to the corner former by the intersection of the Southerly side of Old Nyack Turnpike with the Easterly side of (proposed) Sherwood Drive and continuing thence (9) along the Easterly side of Sherwood Drive as the same turns and bends and crossing (proposed) continuation of Crescent Drive to the corner formed by the intersection of the Easterly side of Sherwood Drive and the Northerly side of (proposed) Nelson Place; running thence (10) across Nelson Place and continuing along the Easterly side of Sherwood Drive to the Southwesterly corner of Lot No. 1 Block B, Map of Nanuet Homes; and running thence (11) in an Easterly direction along the Southerly side of Lots No. 1, 2, 3, 4 in said Block B to the Southwesterly corner of lot 5, block B; running thence (12) in a Southerly direction, parallel with the westerly side of Grandview Avenue across premises of Lankau to the Northwesterly corner of Lot 21, Block H, Map of Nanuet Heights; running thence (13) in a Westerly direction, along the Northerly line of Lands of Loeffler, a distant of 150 feet, and thence (14) crossing (proposed) Edsall Avenue and continuing along the Northerly line of other lands of Loeffler, a distance of 150 feet to the Northwesterly corner of the said lands of Loeffler, and thence (15) along the Westerly line of said lands of Loeffler a distance of 1000 feet more or less, to the Northerly side of the continuation of Prospect Avenue; running thence (16) in an Easterly direction along the Northerly line of Prospect Avenue to the corner formed by the intersection of the Northerly line of Prospect Avenue with the Westerly line of Grandview Avenue; (17) and running thence along the Westerly line of Grandview Avenue a distance of 150 feet; running thence (18) in an Easterly direction across Grandview Avenue to the point or place of beginning.

and

WHEREAS, the extension proposed consists of the installation of electric light fixtures and appliances as set forth in a map that is part of the petition filed in the Town Clerk's office, and

WHEREAS, the maximum amount proposed to be expended for the said installation is the sum of No Dollars and the cost of operation is estimated at \$280.00 per annum, it is hereby

ORDERED, that a meeting of the Town Board of the Town of Clarkstown shall be held at the Town Clerk's Office at Main Street, New City, New York, on the 10th day of October, 1947 at 4:00 o'clock in the afternoon to consider the said petition and to hear all persons interested in the subject thereof, concerning the same, and for such other action on the part of said Town Board with relation to the said petition as may be required or proper in the premises.

Seconded by Mr. Eberling

On roll call, the vote of the Board was as follows:-

Mr. Schmersahl	Yes
Mr. McIntyre	Yes
Mr. Welchman	Yes
Mr. Eberling	Yes
Mr. Dillon	Yes

A letter was then read from Joseph McKee, attorney for St. Agatha's Home, protesting the school taxes assessed against St. Agatha's Home.

The letter was referred to Mr. Trachtenberg, with the request that he write Mr. McKee that the Town has no jurisdiction in this matter, and that he will have to communicate with the County Treasurer.

In regard to the light on First Street, Nanuet, Mr. Dillon said he understood that Mrs. Fischer Williams had some objections to it, and he suggested that someone see her and see why she is opposed to it.

Mr. Dillon then told the Board that at the last regular meeting, the Town Board adopted a resolution to lease two hydrants from the Village of Nyack. He said that the Town purchases the hydrants, and that the resolution would have to be changed.

Mr. Eberling moved the resolution adopted August 8th, 1947 relative to leasing two hydrants from the Village of Nyack be corrected to read "purchase" instead of "lease".

Seconded by Mr. Schmersahl

On roll call, the vote of the Board was as follows:-

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Mr. Schmersahl	Yes
Mr. McIntyre	Yes
Mr. Welchman	Yes
Mr. Eberling	Yes
Mr. Dillon	Yes

Mr. McIntyre moved that the Supt. of Highways be authorized to extend Forest Glen Road 200 feet.

Seconded by Mr. Eberling

On roll call, the vote of the Board was as follows:-

Mr. Schmersahl	Yes
Mr. McIntyre	Yes
Mr. Welchman	Yes
Mr. Eberling	Yes
Mr. Dillon	Yes

Mr. Eberling moved that the Supt. of Highways be directed to extend Maple Ave. in New City from the present road to Congers Road.

Seconded by Mr. Welchman

On roll call, the vote of the Board was as follows:-

Mr. Schmersahl	Yes
Mr. McIntyre	Yes
Mr. Welchman	Yes
Mr. Eberling	Yes
Mr. Dillon	Yes

Bills Nos. 651 to 737 on Warrant #9 were audited and ordered paid, amounting to \$5,912.26.

There being no further business, Mr. Eberling moved adjournment.

Seconded by Mr. Schmersahl

Carried

Meeting adjourned.

Carroll M. Marthing

 Town Clerk of Clarkstown